HANDBOOK OF FEDERAL, STATE AND COUNTY PERMITS
RELEVANT TO GEOFHERMAL DEVELOPMENT
IN HAWAII

by

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FEDERAL RULES AND REGULATIONS
A. Legal Authority

National Environmental Policy Act of 1969 (NEPA),
Public Law 91-190 (42 U.S.C. 4231 et seq.)

B. Rules and Regulations

40 CFR Part 1500 - Council on Environmental Quality Regulations
of November 29, 1978

C. Responsible Agency

The Federal agency under whose jurisdiction the proposed development
project falls is responsible for determining the need for an E.I.S., and
preparing and accepting the E.I.S.

D. Applicability

In general, a Federal E.I.S. must be filed if: (1) the project
requires issuance of a Federal permit, and (2) the project constitutes
a major action significantly affecting the environment. Examples of
actions which are likely to require an E.I.S. are:

1. Projects involving sites listed or eligible for listing
in the National Register of Historic Places.

2. Projects involving the use of Federal lands or funds.

3. Projects involving real or potential impacts to design-
nated critical habitat areas or the territory, breeding
or roosting areas of designated threatened or endangered
species.

4. Effluent discharges from large scale operations or from
projects in controversial areas.

Contact the specific Federal agency which has jurisdiction over the
project for further examples of actions requiring an E.I.S.

E. Procedures and Review Criteria

While the Federal agency is theoretically responsible for preparing
the document, in practice the applicant must generate the required infor-
mation and perform necessary analyses.

An E.I.S. must identify the full scope of the proposed action and
consider the short-term and long-term effects and primary and secondary
impacts. Particular attention should be directed to changes in land use
patterns, socioeconomic effects, significant changes in ambient air quality, noise levels, and groundwater or surface water quality and quantity, and encroachments on wildlife habitats (especially when threatened or endangered species may be involved). Actions involving potential disturbances to historic sites must also be considered.

An acceptable E.I.S. must be a thorough, detailed evaluation of the environmental consequences of the proposed action. The document must include sufficient detail so that responsible decision makers and the public, will have an accurate assessment of the possible effects of the project. Format requirements and submittal and review procedures are detailed in the Regulations referred to above.

Public hearings may be required if requested by the review agency, the general public, or affected individuals.

If a project must satisfy both State and Federal E.I.S. requirements, then the agencies involved must cooperate, to the fullest extent possible, to reduce the duplication between State and Federal E.I.S. procedures. Such cooperation may involve:

1. Joint planning processes.
2. Joint environmental research and statistics.
4. Joint environmental assessments and E.I.S.'s.

In cases involving the preparation of joint E.I.S.'s, one or more Federal agencies and one or more State agencies will act as joint lead agencies. Federal agencies will have to fulfill in one document those Chapter 343, HRS requirements not in conflict with NEPA, as well as those of other Federal laws.

F. Time from Filing to Final Action

The time required to complete the E.I.S. review generally varies depending on the scope and magnitude of the proposed actions and the number of requisite Federal, State, or County permits or approvals needed. For relatively minor, noncontroversial projects, a period of 3 to 4 months may be involved. A period of at least one year is often required for major or especially controversial actions involving significant environmental impacts and one or more Federal permits.

NOTE: Other permit applications can not be processed by various governmental agencies until review of the E.I.S. is complete.
FEDERAL GEOTHERMAL LOAN GUARANTY PROGRAM

A. Legal Authority


Department of Energy Organization Act, Public Law 95-91 (42 U.S.C. 7101 et seq.)

Title V of the Department of Energy Act of 1978 - Civilian Applications, Public Law 95-238

B. Rules and Regulations

10 CFR Part 790 - The Geothermal Loan Guaranty Program

C. Responsible Agencies

Approved by: San Francisco Operations Office
U.S. Department of Energy

Office of Assistant Secretary
for Resource Applications
U.S. Department of Energy
Washington, DC 20161

D. Applicability

The Department of Energy issues a Federal guaranty on loans related to the commercial development of means to produce or utilize energy from geothermal resources in an environmentally acceptable manner. Such guaranties insure lenders against the loss of principal and accrued interest on loans made by such lenders to qualified borrowers.

The DOE can guarantee up to 75% of the total cost of a project. The maximum loan guaranty for a single project is $100,000,000 with an aggregate ceiling of $200,000,000 for any single borrower. Under these regulations, the applicant may have up to 30 years to repay the loan.

Loan guaranties may be applied only to the following purposes:

1. Determination and evaluation of the commercial potential of geothermal resources.

2. Research and development with respect to geothermal extraction and utilization technologies, including the mitigation of adverse environmental effects.
3. Acquisition of rights in geothermal resources.

4. Development, construction, and operation of facilities for the demonstration or commercial production of electricity generated from geothermal resources, including on-site generation of electricity for direct use by a single customer.

5. Construction and operation of a new commercial, agricultural, or industrial facility, or modification and operation of an existing commercial, agricultural, or industrial facility, when geothermal hot water or steam is to be used within or by such facility, for the purposes of space heating or cooling, industrial or agricultural processes, or other commercial applications.

In assessing the viability of proposed loan guarantees, DOE gives priority consideration to those applications for projects located at undeveloped geothermal resource areas, projects that show promise of quickly resulting in geothermal applications, and projects that utilize new technological advances.

E. Procedures and Review Criteria

A completed application for a geothermal loan guaranty must be submitted to the San Francisco Operations Office of the Department of Energy (DOE/SAN). Forms for this purpose are available from the Geothermal Loan Guaranty Program Office.

The application and supporting documentation may be jointly prepared and submitted by the lender and borrower or the borrower can apply directly for a guaranty and have DOE locate a lender.

Prior to receipt of an application, the DOE/SAN Manager will conduct preliminary discussions with prospective lenders and/or borrowers wishing to obtain information or advice regarding application guidelines, eligibility requirements for a loan guaranty, and whether a lender should be obtained prior to submission of an application.

In addition to the written application, the Manager will require the submission of certain supplementary information which will enable him to prepare a recommendation on the pending application. Such information may include the applicant's plan to repay the loan; well logs, core data, and milestone schedule; and a listing of all permits required by Federal, State and local agencies to conduct the project and a copy of each application for approval of such permits or authorizations when issued.

DOE will, upon receipt of an application, determine whether the proposed action warrants the preparation of an environmental assessment or EIS. As part of this environmental review process, DOE will initiate and coordinate any requisite environmental analyses to assess the project's
environmental effects. The task of actually conducting all DOE-required analyses rests with the applicant.

Applicants should consult with DOE as early as possible in their planning processes to obtain guidance with respect to the appropriate level and scope of any studies or environmental information which is submitted in support of their application.

Approval of a disbursement under a guaranty will not proceed unless the applicable requirements of the National Environmental Policy Act of 1969 (NEPA) have been met. As a consequence, DOE must consider the environmental impacts associated with the commercial operation of the project throughout its useful life. Such considerations will be carried out even where the proposed guaranty may be limited to only a small or preliminary segment of the entire project.

The application and supporting data submitted to DOE/SAN undergo a review that will take 3 to 4 months. During this review informal contact with the applicant will be made for clarification of the information received.

After review, DOE/SAN requests formal clarification. The applicant may spend 1 to 2 months on the clarification.

Final review and approval by DOE/SAN after clarification may only take a half to one month. DOE/SAN forwards the application to DOE headquarters in Washington (DOE/SAN) where the review process is essentially repeated.

DOE/WASH may take 2 to 3 months to review the application.

After initial review, DOE/WASH requests formal clarification through DOE/SAN which relays the request to applicant. Applicant responds to DOE/SAN who sends to DOE/WASH. This process may take 1 to 2 months.

After clarification, DOE/WASH confers with DOE/SAN for approval which takes another month.

When an application is finally approved by DOE/WASH, the Manager of DOE/SAN notifies the lender and the applicant and provides them with a copy of the terms and conditions underlying DOE's approval of the guaranty. A preclosing conference will be arranged by the Manager if the lender or applicant requests one, to discuss the terms of the agreement.

Immediately after approval of all terms and conditions by the parties, the Manager will arrange with the lender and applicant for the preparation and review of necessary documents, and agree upon a date for execution of the agreement and payment of the guaranty fee.
F. Time from Filing to Final Action

Approximately 9 months from date of filing complete application and supporting documents with the DOE. This time period may be extended if an environmental assessment and/or Federal EIS must be prepared.
A. Legal Authority

Federal Water Pollution Control Act Amendment of 1972, Public Law 92-500
Chapter 342, Part III, Hawaii Revised Statutes

B. Rules and Regulations

Public Health Regulations, Chapter 37
(Water Pollution Control), Department of Health

C. Responsible Agencies

Issued by: Department of Health
Environmental Protection
and Health Services Division
Pollution Technical Review Branch

Reviewed by: Environmental Protection Agency
Enforcement Division
215 Fremont St.
San Francisco, CA 94105

Various other agencies

D. Applicability

The NPDES program is administered by the Department of Health to regulate the discharge of pollutants into any waters of the State of Hawaii. A permit is required before any effluent discharge can be made from ponds, tanks, or other facilities to surface streams, rivers and canals, coastal waters, and groundwaters. There is, however, an exemption for facilities which discharge less than 30 days per year.

E. Procedures and Review Criteria

A national form is available at the Department of Health. Required data include physio-chemical characterization of the proposed effluent, specifically nitrogen and phosphorous, pH, temperature, and any other parameters by which the effluent differs from the quality of the receiving water. The NPDES application must be accompanied by two copies of complete data, siting information, plan description, specifications, drawings, and other detailed information necessary to determine in what manner the new or existing wastes outlet will be constructed or modified, operated, and controlled.
Every application must include a $100 filing fee.

Upon review of the application, the Department formulates and prepares tentative staff determinations to approve or deny the proposed discharge. If the application is awarded preliminary approval, then a draft NPDES permit is prepared.

Public notice of the proposed discharge and the Department's intent to issue a permit is mandatory. The public has 30 days in which to submit written comments to the Director of Health. Appropriate Federal, State, and County agencies must also be notified and provided the opportunity to submit their written views and recommendations.

There is no mandatory public hearing requirement, but any interested agency, group, or person may request that a hearing be held. All such requests for a hearing must be filed during the 30-day comment period. Notice of the public hearing must be given at least 30 days prior to the hearing date.

The Director of Health will issue a NPDES permit on the following basis:

1. The new or existing waste outlet is designed in compliance with the applicable standards of performance.

2. The new or existing waste outlet is designed and will be constructed or modified to operate without causing a violation of applicable rules and regulations of the Department of Health.

3. The new or existing waste outlet will not endanger the maintenance or attainment of applicable water quality standards.

4. A schedule of implementing actions will be followed in order to comply with applicable water quality standards and established effluent limitations.

A NPDES permit is issued for a limited period of time, usually 5 years with no guarantee of renewal.

A monitoring program involving quarterly (or more frequent) sampling of the effluent and its constituents could be required.

In certain cases, an EIS could be required as a condition preceding the issuance of this permit. (See State and Federal Environmental Impact Statements.)

F. Time from Filing to Final Action

A minimum of 3 to 4 months from date of filing. However, projects requiring an EIS may take considerably longer.
A. Legal Authority


B. Rules and Regulations

Fact Sheet No. 29. U.S. Small Business Administration

C. Responsible Agency

Approved by: U.S. Small Business Administration
Washington, DC

D. Applicability

The Small Business Administration offers energy direct loan and loan guaranty programs to start, continue or expand small businesses that are developing, manufacturing, selling, installing or servicing energy conservation measures. Geothermal projects would therefore be included under this law.

Specifically, these loans may be used to purchase land for plant construction, for buildings, machinery, equipment, supplies, materials, or working capital.

Energy loans are not available to firms installing or undertaking energy conservation measures in their own plants or offices. For this purpose, small firms may apply under SBA's regular business loan program.

In addition, energy loans generally cannot be used for research and development.

E. Procedures and Review Criteria

Under the loan guaranty program, a bank loan is initially secured by the developer of a geothermal project. The developer then applies for a loan guaranty from the SBA. The SBA will guarantee 90% of a loan up to a maximum of $500,000. The developer has up to 15 years to repay the loan.

Direct loans are offered when financial assistance is not otherwise available. The maximum amount is $350,000.

An applicant must pledge all available collateral and give personal guarantees to cover the loan.
Loan approval will be determined by the following criteria:

1. Quality of the product or service;
2. Technical qualifications of the applicant or his employees;
3. Technical validity of the product or service; and
4. Sales projections and the financial status of the firm.

For further information on application requirements, contact your bank or local SBA field office.

F. Time from Filing to Final Action

The minimum time in obtaining a loan guaranty is 2 to 3 weeks. Approximately 2 to 3 months for a direct loan,
STATE PERMITS AND REGULATIONS
HAWAII LEGISLATION APPLICABLE TO GEOTHERMAL DEVELOPMENT

Act 241 (Section 182-1, HRS*), 1974

Geothermal Resources Defined: Expands the definition of "minerals" in the law reserving all mineral rights to the State, to include all geothermal resources and that of "mining operations" to include the development of all geothermal resources.

Act 189 (Section 246-34.7), 1976

Property Tax: Provides a real property tax exemption for building improvements which utilize geothermal energy.

Act 102 (Sections 269-1 and 269-27.2, HRS), 1977

Utility Regulations: Exempts nonfossil power generation and transmission facilities from Public Utilities Commission (PUC) regulation when the energy is used by the producer itself and a portion of such power is sold directly to a public utility. Authorizes PUC to direct public utilities to purchase surplus power from such facilities, and approve the rates paid.

Act 36 (Section 46-19, HRS), 1978

County Energy Development: Allows County participation in a joint venture with an end user or public utility for alternate energy development. Encourages County development of alternate energy resources for their own consumption or for the furtherance of a plan for direct utilization by an end user or public utility.

Act 132 (Section 269-27.1, HRS), 1978

Geothermal Energy Rates: Provides that the rate payable by a public utility to the producer of geothermal steam or electricity generated from geothermal steam shall be established by agreement between the public utility and the supplier, subject to PUC approval. Empowers the PUC to establish a reasonable rate for the geothermal steam or electricity if the two parties fail to reach an agreement or if the commission disapproves the agreed upon rate. Provides that the producer of geothermal steam or electricity generated from geothermal steam shall be excluded from the coverage of the term "public utility" as defined in Section 269-1, HRS.

*Hawaii Revised Statutes
Act 135 (Chapter 182, HRS), 1978

Resource Management: Amends provisions of Chapter 182 pertaining to State mineral rights and mineral rights lessees. Amends law relating to filing of bonds by lessees, reimbursements for damages due to mining operations, public auction of mining leases, the number of leases permitted, and the revocation of leases. Authorizes Board of Land and Natural Resources to order owner or lessees of mineral rights on adjoining property to adopt and operate under a cooperative or unit plan of development. Adds a penalty provision for violation of any law or rule relating to government mineral rights. Provides that the levy and assessment of the general excise tax on the gross proceeds from sale of geothermal resources or electricity produced therefrom shall be a tax on the business of a producer at the rate of 0.5 percent.

Act 62 (Section 235, HRS), 1979

Geothermal Depletion Allowances: Adopts for the purpose of the Hawaii income tax, the provisions of the Internal Revenue Code in effect on December 31, 1978 as they relate to determining gross income, adjusted gross income, ordinary income and loss, and taxable income. (By virtue of the foregoing State's action, the Federal depletion allowances including those established by the 1978 Federal Act for geothermal deposits also apply to the State income tax for tax years beginning after December 31, 1978.)

Act 77 (Section 269-1, HRS), 1980

Utilities Definition Amended: Amends Act 102, the law relating to the exemption of nonfossil power generation and transmission facilities from PUC regulation. Deletes provision excluding from the definition of "public utilities" any person producing power from nonfossil fuel sources for its own internal uses but who sells or transmits excess power to a public utility for transmission to the public. Provides instead that "public utilities" shall not include a person who provides, sells, or transmits all such power, except for its own internal operation, directly to a public utility for transmission to the public.
AUTHORITY TO CONSTRUCT PERMIT
AND PERMIT TO OPERATE (AIR QUALITY)

A. Legal Authority

Clean Air Amendments of 1977, Public Law No. 95-95
Chapter 342, Hawaii Revised Statues

B. Rules and Regulations

Public Health Regulations, Chapters 42 (Ambient Air Quality Standards) and 43 (Air Pollution Control), Department of Health

C. Responsible Agencies

Issued by: Department of Health
  Environmental Protection
  and Health Services Division
  Pollution Technical Review Branch

Other: Environmental Protection Agency
  Enforcement Division
  215 Fremont St.
  San Francisco, CA 94105

D. Applicability

Anyone engaged or planning to engage in operations which result or may result in air pollution is required to secure these permits before installation or operation or continued operation. "Air pollution" is defined in general terms in Section 342-21 (1), HRS. Chapter 42 of the Public Health Regulations further identifies specific substances that are air pollutants and enumerates their maximum permissible concentrations in the ambient air of the State.

Any construction or modification of a stationary source of air pollution requires an Authority to Construct. This permit applies not only to operations that cause the issuance of air pollutants, but also to efforts to eliminate or reduce the issuance of air pollutants, such as installing pollution control devices. The Authority to Construct authorizes construction or modification only and remains in effect until a Permit to Operate is granted or denied.

Refer to Chapter 43 of the Public Health Regulations for specific exemptions which do not require an Authority to Construct or Permit to Operate.
E. Procedures and Review Criteria

Application forms for the Authority to Construct and Permit to Operate are available at the Department of Health. Each application must include 2 copies of complete data, siting information, plan descriptions, specifications, drawings, and other information necessary to detail the manner in which the new source will be operated and controlled.

A $20 filing fee must accompany every application for an Authority to Construct and a Permit to Operate. In addition to the filing fee, an applicant for a Permit to Operate must pay an amount prescribed by the applicable fee schedule (See Public Health Regulations, Chapter 43).

An applicant of the Authority to Construct or Permit to Operate must show to the satisfaction of the Director of Health that:

1. The new source is designed, built and equipped in accordance with the best practicable control technology so as to reduce emissions to a minimum.

2. The new source is designed and will be constructed or modified to operate without causing a violation of applicable rules and regulations.

3. The new source will not endanger the maintenance of applicable ambient air quality standards.

4. Issuance of the permits is in the public interest as defined in Section 342-6, HRS.

The Director of Health must act on an application within 180 days of receipt, and must notify the applicant in writing of his decision. The Director may deny an application if the information submitted shows that the new source cannot conditionally or otherwise meet 1. through 4. above.

The Director may grant conditional approval, and in such cases, may:

1. Require an applicant to provide sampling and testing facilities such as sampling ports of size, number and location as specified by the Director, safe access to each port, and instruments for monitoring and recording emission data.

If an application is conditionally approved or denied, the Director must specify his reasons for such a determination in the written notice to the applicant. The applicant may then submit a response to the Director's comments, and the Director will issue a final approval or denial.
In acting upon an application for a Permit to Operate, the Director can deny it if it is found that the facility has not been constructed in accordance with the Authority to Construct permit.

If requested by the Director, the applicant must conduct performance tests to determine compliance with applicable rules.

An Authority to Construct and Permit to Operate are issued for a period not to exceed 5 years and may be renewed.

The Director may cancel an Authority to Construct if the construction or modification is not begun within one year from the date of issuance, or if the work involved is suspended for a year or more. However, an applicant may request a 6-month extension of the cancellation date by writing to the Director and stating reasons for the request.

F. Time from Filing to Final Action

Six months from time of filing to final action.

NOTE: The Environmental Protection Agency retains the power to formulate a state plan and/or enforce applicable air quality standards in the event a State fails to do so.
COMMUNITY NOISE PERMIT (Honolulu)

A. Legal Authority

Chapter 342, Hawaii Revised Statutes

B. Rules and Regulations

Public Health Regulations, Chapter 44B (Community Noise Control for Oahu), Department of Health

C. Responsible Agency

Issued by: Department of Health
Noise and Radiation Branch

D. Applicability

A permit is required to use or operate vehicles, construction equipment, power tools, and other devices which emit noise levels in excess of the limits specified in Chapter 44B of the Public Health Regulations. This regulation applies only to Oahu.

E. Procedures and Review Criteria

Application for the permit must be on a form provided by the Department, and include the following information:

1. Type and purpose of activity.
2. Location and time of the activity.
3. A list of vehicles, construction equipment, tools and any devices which will emit noise in excess of the stated sound level for that location.
4. Estimated duration and schedule of activity.
5. Plans and procedures for the attenuation of noise emission to prevent excessive noise.
6. Applications for permits extending into the nighttime period (10:00 p.m. to 7:00 a.m.) must disclose any possible impact from noises created by the activity which may affect the immediate surroundings. The applicant must also notify the people in the surrounding area of the planned activity.

The application for a permit must be submitted at least 30 days before the effective date of the activity for which the permit is sought.
A non-refundable processing fee of $5.00 must accompany each application. If the application is granted, the applicant must pay an additional fee of $5.00.

The Director of Health will issue a noise permit if the proposed noise emitting activity is in the public interest, the services or activities for which the permit is sought are temporary and cannot be delayed or rescheduled to a time period in which such services are permitted, or the applicant requires additional time to alter or modify his activity or operation to comply with this regulation.

Each permit is valid only for the stated location, date and time period for which it is issued. The effective time period of the permit is determined by the Director, not to exceed one year after which time the permit may be renewed.

Permits required for construction activities must meet the following conditions:

1. No permit will be granted for construction activities creating excessive noise when measured at or beyond the property line for the hours before 7:00 a.m. and after 6:00 p.m. of the same day.

2. Construction activities which emit noise in excess of 95 dBA at or near the property line of the construction site are restricted to the hours between 9:00 a.m. and 5:30 p.m. of the same day.

3. Construction activities which exceed the allowable noise levels are prohibited on Sundays and holidays. (See section 5.4A of the Public Health Regulations, Chapter 44B for a list of specific holidays.) Activities exceeding 95 dBA are prohibited on Saturdays.

The Director may specify conditions in the permit which must be met by the applicant and may modify or revoke a permit at any time if, in his opinion, such action is necessary to preserve the physical, mental, or social well-being of the public.

F. Time from Filing to Final Action

If the Director does not act on an application within 30 days after its receipt by the Department, the permit shall be deemed to have been granted.
CONSERVATION DISTRICT USE APPLICATION

A. Legal Authority

Chapter 183, Hawaii Revised Statutes

B. Rules and Regulations

Department of Land and Natural Resources Regulation No. 4: Regulation of the Department of Land and Natural Resources, State of Hawaii, Providing for Land Use Within the Conservation District, Providing for Subzones, Uses, Appeals, Enforcement and Penalty, Pursuant to Chapter 183-41, Hawaii Revised Statutes, as Amended.

C. Responsible Agencies

Approved by: Board of Land and Natural Resources

Reviewed by: Department of Land and Natural Resources

D. Applicability

Anyone proposing to make any use of lands within the Conservation District must apply. The Conservation District includes large areas of mountain and shoreline lands and virtually all traditional Hawaiian fishponds. Maps showing the boundaries of the Conservation District are available at the Department of Land and Natural Resources.

E. Procedures and Review Criteria

A landowner who wants to establish a geothermal use on his conservation zoned land must submit a completed application form (available at the DLNR) to the Board for approval. The Board may attach special conditions, as well as approve or reject the proposal.

Every application must be accompanied by a preliminary or final plan that includes site and construction plans, an environmental assessment, and a location map of the proposed project site. When applicable, as determined by the Chairman, the following may also be required:

1. Maintenance plans for all uses involving power transmission and roadways not maintained by a public agency.

2. Site plans for grading, trenching, filling, dredging or soil disposal.

3. Plans for use of geothermal resources.

4. A survey of the land for significant historic and archaeological features, and protection or salvage plans for such features.
Twelve copies of the application form and all attachments must be submitted to the Department along with a $50 filing fee and a $50 hearing fee.

Public hearings are required for proposed geothermal exploration and drilling on conservation zoned land because they are considered commercial operations under Regulation No. 4. However, any applicant who has undergone a public hearing by any Federal, State or County agency for the same purpose and use will not be required another hearing provided that a certified copy of the minutes are included with the application.

The Board must give notice by publication in a newspaper of general circulation at least 20 days prior to the date set for the hearing. If the Board fails to give notice, hold a hearing, and render a decision within 180 days after receipt of an application, the applicant may automatically put his land to the use or uses requested.

The CDUA Process includes an environmental review. (State and Federal EIS requirements must be satisfied before permit approval can be given.) If a project qualifies for a Negative Declaration, the environmental review can be completed within the 180-day CDUA processing period. However, if an EIS is required, the environmental review process cannot be completed prior to the expiration of 180 days and a delay in permit approval will result. Therefore, to avoid long delays in processing the application, all environmental requirements should be substantially fulfilled before the CDUA is filed. Preliminary consultation with the Department of Land and Natural Resource's Conservation District staff will help identify Federal and State environmental requirements needed to satisfy the CDUA's environmental review.

Upon approval by the Board, any work or construction must be initiated within one year of the approval of such use, and all work and construction must be completed within 3 years of the approval.

F. Time from Filing to Final Action

Six months from time of filing to final action.
DESIGNATED GROUND WATER CONTROL AREA USE PERMIT

A. Legal Authority

Chapter 177, Hawaii Revised Statutes

B. Rules and Regulations

Department of Land and Natural Resources
Regulation 9: Control of Ground Water Use, State of Hawaii

C. Responsible Agencies

Issued by: Board of Land and Natural Resources

Reviewed by: Department of Land and Natural Resources

D. Applicability

Anyone wishing to initiate the use of ground water for non-domestic purposes from a "designated ground water control area" must obtain a permit from the Board of Land and Natural Resources.

Only geothermal operations tapping liquid-dominated hydrothermal systems in a designated ground water area would be subject to this regulation.

A separate drilling permit must be approved by the Board before the actual drilling operations to tap such a source can commence. (See Geothermal Drilling Permit.)

E. Procedures and Review Criteria

Each application for a permit to use water must be made on forms furnished by the Department of Land and Natural Resources and include: the existing or proposed source of water supply; the nature and amount of the proposed beneficial use; the times of taking water; the survey location and description of the proposed well and related facilities; maps, plans and drawings; and such other information as may be necessary for the Board to determine the merits of the proposed water use, any hazards to public health, safety, or welfare, and the desirability of issuing a permit.

Each application for a permit must be accompanied by a non-refundable filing fee of $100.

The Board may issue a permit if:

1. There is water available for use,

2. The proposed use will be beneficial.
3. The most beneficial use and development of the water resources of the State will not be impaired by granting the permit.

4. Granting the permit will not substantially and materially interfere with other existing permitted users.

The application is heard by the Board during its regular monthly public meetings, and the Board has up to 180 days to act upon it.

At least 10 days prior to the Board's approval of the issuance of a permit, a notice of the application will be published in a newspaper of general circulation.

Each permit is issued for a specific period, not exceeding 50 years. A permit may be renewed after one-half of its terms has expired by filing an application for renewal.

An administrative hearing can be held upon the request of any person who may be adversely affected by the granting or denial of a permit.

F. Time from Filing to Final Action

The Board has 6 months to act upon receipt of an application.
GEOTHERMAL DRILLING PERMIT

A. Legal Authority

Chapters 177, 178 and 182, Hawaii Revised Statutes

B. Rules and Regulations

Department of Land and Natural Resources Regulation 8:
Regulations on Leasing of Geothermal Resources and Drilling
for Geothermal Resources in Hawaii

C. Responsible Agencies

Issued by: Board of Land and Natural Resources

Reviewed by: Department of Land and Natural Resources

D. Applicability

All wells drilled in the State of Hawaii for the exploration, discovery, evaluation, development, production, utilization or injection of geothermal resources and by-products are subject to this regulation.

Separate permits to drill, modify, modify use of, or abandon a geothermal well are required for all lands within the State, including privately owned lands.

E. Procedures and Review Criteria

Prior to the drilling, modifying, modifying use of, or abandoning of any well, the operator of such well must first file with the Chairman of the Board of Land and Natural Resources an appropriate application for a permit to perform such work. Each application must be made on forms provided by the Department of Land and Natural Resources and contain the following:

1. Name, signature and address of the applicant, the owner of the mining rights and the landowner if the applicant is not the landowner.

2. The name of an agent who resides in the State of Hawaii and upon whom may be served all orders and notices of the Department or any court of law.

3. The number or other designation by which the well will be known.

4. A plot plan showing the Tax Map Key, site evaluation, and well location referenced to established property corners.
5. A statement by applicant of the purpose and extent of the proposed work and an estimate of the depths between which discovery, production, injection, or plugging will be attempted.

6. A description of the proposed drilling and casing program and a plan or drawing showing the proposed work and vertical section of the well.

7. A statement by applicant agreeing to file an indemnity bond with the Chairman within 10 days after notification that the application has been approved; the amount of the bond to be set by the Board will be in no case less than $50,000 for each well or a blanket bond of $250,000 for any number of wells.

8. A statement by applicant to perform the work and thereafter to operate and maintain the well in accordance with Regulation 8 and all other Federal, State, and County requirements.

Each application for a permit must be accompanied by a non-refundable filing fee of $100.

Permits are valid for a period of one year from the date of issuance, but may be renewed for an additional 180 days at the discretion of the Chairman.

F. Time from Filing to Final Action

Applications for a permit must be reviewed and acted upon by the Chairman within 60 days after receipt.

NOTE: An Environmental Impact Statement may be required under Chapter 343, HRS. (See State Environmental Impact Statement.)
GEOTHERMAL EXPLORATION PERMIT

A. **Legal Authority**

Chapters 177, 178 and 182, Hawaii Revised Statutes

B. **Rules and Regulations**

Department of Land and Natural Resources Regulation 8: Regulations on Leasing of Geothermal Resources and Drilling for Geothermal Resources in Hawaii

C. **Responsible Agencies**

Issued by: Board of Land and Natural Resources

Reviewed by: Dept. of Land and Natural Resources

D. **Applicability**

An exploration permit is required to conduct any exploration activity relating to the search on State or reserved lands for evidence of geothermal resources. Such exploration activity includes, but is not limited to, geophysical operations, drilling of shallow temperature test holes less than 500 feet in depth, construction of roads and trails, and cross-country transit by vehicle over State lands.

E. **Procedures and Review Criteria**

Any person may apply for an exploration permit on any State or reserved lands by submitting a written application to the Board of Land and Natural Resources containing the following:

1. The name and address of the person, association, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities.

2. A description of the type of exploration activities proposed.

3. A description of the lands to be explored.

4. A map, available from State or Federal sources, showing the lands to be entered or disturbed.

5. The approximate dates of commencement and termination of exploration activities.

6. A statement by applicant agreeing to submit to the Board within 20 days after notification the the permit application has been approved, a $10,000 surety company bond
payable to the State of Hawaii conditioned upon compliance with all conditions of the exploration permit. If more than one exploration permit is held by the applicant, a blanket $50,000 bond may be filed in lieu of separate bonds for each permit.

7. The name and address of the surface owner of the land.

8. Evidence that the owner and surface lessee, if any, has or has not consented to the entry upon the land and a description of the efforts made and the reasons for not securing the consent, if that is the case.

There is a non-refundable filing fee of $100 that must accompany each application.

Prior to approving a project, the Board must review the impact that the exploration activity will have on State and reserved lands. According to State law, the applicant must submit to the Department an Environmental Assessment which identifies the potential impact of the proposed exploration activity.

If the project is judged to have an insignificant effect on the environment, a Negative Declaration is filed with the Office of Environmental Quality Control and the applicant is free to proceed with the permit process. Projects for which a Negative Declaration will be sufficient should start the assessment process at least 3 months before project approval is needed.

If the project is judged to have significant environmental effects, an Environmental Impact Statement will have to be prepared and consequently, a longer leadtime for project approval will be necessary. (See State Environmental Impact Statement.) In order to reduce the long leadtime, the applicant should prepare an EIS beforehand and submit it simultaneously with the exploration permit application if it appears likely that an EIS will be required. Preliminary consultation with the Department of Land and Natural Resources will help determine whether an EIS is probably required.

All applications are subject to the approval of and the terms and conditions set by the Board. If the application is not approved within 60 days after the date of receipt, the application must be resubmitted unless an extension is granted by the Board.

Exploration permits are issued for one year, but may be renewed for an additional period of time at the discretion of the Board.

Geothermal exploration permits allow non-exclusive access to State or reserved lands for prescribed geothermal exploration activity only and do not provide any preference rights to a mining lease of the lands explored by such permits. In the event an exploration permit is in effect on or issued after the commencement date of a mining lease
covering all or part of the same State or reserved lands, such permittee's rights shall be subordinate to the lessee's rights and the permittee's exploration activities shall not unreasonably interfere with or prevent the mining lessee's use of the leasehold.

F. Time from Filing to Final Action

A minimum time of 2 months if a Negative Declaration is filed and a maximum time of 5 to 6 months if an EIS is required.
A. Legal Authority

Chapters 177, 178 and 182, Hawaii Revised Statutes

B. Rules and Regulations

Department of Land and Natural Resources Regulation 8:
Regulations on Leasing of Geothermal Resources and Drilling for Geothermal Resources in Hawaii

C. Responsible Agencies

Issued by: Board of Land and Natural Resources
Reviewed by: Department of Land and Natural Resources

D. Applicability

All State and reserved lands at the discretion of the Board of Land and Natural Resources are available for geothermal mining leases. The Board may, in accordance with regulations, grant mining leases conveying to the lessee the exclusive rights to drill, discover, develop, operate, utilize and sell geothermal resources. The leases are, however, subject to the Board's right to issue exploration permits on the leased land for the sole purpose of evaluating the extent of geothermal resources existing on adjacent State or reserved lands. The Board sets forth the terms and conditions of such a mining lease prior to the public auctioning or granting without public auctioning.

E. Procedures and Review Criteria

Mining leases on State or reserved lands can be granted on a competitive basis by means of public auction. Additionally, mining leases on reserved lands may be granted without public auction to the occupier or to his assignee of mining lease rights, upon the approval of two-thirds of the Board members.

Leasing of State Lands

Any person of legal age or firm, corporation or association qualified to do business in the State of Hawaii, may apply to the Board for a mining lease on State lands. The applicant must submit 3 copies of a completed application form provided by the Department, 3 copies of all necessary exhibits, and a non-refundable filing fee of $100.

The exhibits accompanying each application for a mining lease shall include:

1. An accurate description and map of the land desired to be leased.
2. A description of the known or potential geothermal resource desired to be leased.

3. Brief preliminary proposal of plan for geothermal exploration and development and an assessment of the environmental impact from geothermal resource exploration and development.

4. Certificate that the applicant is qualified to hold a mining lease and that the officer executing the application is authorized to act on behalf of the partnership, corporation or association, and that geothermal interests held do not exceed the acreage limit prescribed in Regulation 8.

Information furnished by the applicant will be kept confidential until the land has been offered for leasing at public auction and for such additional period of time as the Board may deem necessary. Only a description of the land nominated for leasing may be made public by the Board.

As soon as practicable after receipt of an application, a notice of the lease application will be published in a newspaper of general circulation in the County where the land nominated for leasing is located at least once in each of 3 successive weeks, describing the land nominated for leasing.

Within 12 weeks from the date of publication of the notice in the newspaper, the Board may hold a public hearing to decide whether or not to lease the land and if deemed appropriate, may modify the area sought to be leased.

Prior to making its decision, the Board may require an applicant to submit a full evaluation of the potential environmental impact of geothermal development and utilization including the construction of power generating plants and transmission facilities. The Board will consider the views and recommendations of other governmental agencies, organizations, industries and lease applicants and will consider all other potential factors, such as use of the land and its natural resources, the need for geothermal energy development and socio-economic conditions consistent with multiple-use management principles. The Board's decision whether or not to lease and selection of the area to be offered for lease is final and not subject to judicial review.

If the Board approves a mining lease to be offered for sale by public auction, it will publish a notice in a newspaper in the State, and in the County where the land is located, setting forth the time and place of auction, the description of the land, the geothermal rights to be leased, and the terms and conditions of the lease sale including upset or minimum rental rate, royalties, cash bonus, percentage of the net profit or otherwise.
At least 30 days before the announced date of a public auction, all bidders must submit to the Board evidence of their experience and financial ability to conduct geothermal exploration and development.

On or before the announced date of the auction, each prospective bidder must deposit with the Board a certified or cashier's check for $500 and submit a statement that the person is eligible to hold a mining lease. The deposit will be forfeited by prospective bidders who fail to bid or returned to unsuccessful bidders.

The lease offered for bid will be awarded to the highest qualified bidder, but the State reserves the right to reject any and all bids. If the Board fails to award the lease within 60 days after the date of the public auction, all bids are considered rejected. Deposits on rejected bids will be returned. Within 2 days after acceptance by the Board of the highest responsible bid, the successful bidder must pay to the Board the first year's rental bid and the $500 deposit will be credited against such sum.

Three copies of the lease will be sent to the successful bidder who must execute and return them and file the required bond within 30 days. If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited.

Leasing of Reserved Lands

Applications for mining leases on reserved lands will be made to the Board in accordance with the procedures established for the leasing of State lands. The Board may, by the vote of two-thirds of its members, grant a mining lease on reserved lands to the occupier thereof, or such occupier's assignee of the right to apply for a lease thereof without public auction. The Board will determine the annual rental to be paid for the right to develop and utilize the geothermal resources reserved to the State and the royalty on geothermal production. The Board may also require the payment of a cash bonus, a percentage of the net profit or otherwise.

If the occupier or his assignee of the right to obtain a mining lease should fail to apply for a mining lease within 6 months from the date of notice from the Board of its finding that it is in the public interest that the geothermal resources in the reserved lands be mined, a mining lease will be granted by public auction in accordance with the procedures outlined above.

F. Time from Filing to Final Action

In practice, a minimum of 7 months from the time of initial application to final action. This time period can easily extend to a year or more if the proposed geothermal development is controversial.
PERMIT TO INSTALL UTILITIES
WITHIN STATE HIGHWAY AND FEDERAL AID SECONDARY COUNTY HIGHWAY
RIGHTS-OF-WAY

A. Legal Authority

Title 23, Code of Federal Regulations
Title 23, United States Code
Chapter 264, Hawaii Revised Statutes

B. Rules and Regulations

Rules and Regulations Relating to the Accommodation and
Installation of Utilities on State Highways and Federal-Aid
Secondary County Highways

C. Responsible Agency

Issued by: Department of Transportation
Highways Division
State of Hawaii

D. Applicability

A permit is required for new utility installations which are to
cross or otherwise occupy the rights-of-way of State Highways and
Federal Aid Secondary County Highways. A permit is also required for
existing utility facilities which are to be retained, relocated or
adjusted within these rights-of-way. (Refer to the Rules and Regula-
tions for exceptions.)

Permit requirements apply to all facilities, lines and systems which
produce and/or transmit such commodities as electricity, power, heat,
water, or steam that directly or indirectly serve the public. Also
included under these regulations are private lines devoted exclusively
to private use. However, installations of private lines within the
right-of-way are limited to crossings only.

E. Procedures and Review Criteria

Plans for the proposed utility installation must be submitted to
the Department of Transportation for review and approval.

The location, design, and methods for the accommodation and installa-
tion of utility facilities are reviewed to ensure that they: (1) do not
interfere with the free and safe flow of traffic; (2) do not otherwise
impair the highway or its visual quality; and (3) do not conflict with
other laws, rules, or regulations.
There are specific restrictions applicable to scenic strips, over­looks, rest areas, recreation areas, the adjacent highway right-of-way, and the rights-of-way of highways which pass through public parks and historic sites.

During installation and maintenance of the utility facilities, adequate provisions must be made for traffic control.

Any deviation from the Rules and Regulations is subject to the Department's approval.

F. Time from Filing to Final Action
PERMIT TO PERFORM WORK
UPON A STATE HIGHWAY

A. Legal Authority

Chapter 264, Hawaii Revised Statutes

B. Rules and Regulations

Chapter 264, Hawaii Revised Statutes

The Rules and Regulations Establishing a Fee Schedule for the
Issuance of a Permit to Perform Work on State Highways

C. Responsible Agency

Issued by: Department of Transportation
State of Hawaii

D. Applicability

This permit is required from the Department of Transportation prior
to performing any of the following actions:

1. Break up, dig up, disturb, undermine or dig under the
   right-of-way of any state highway.

2. Place, erect, leave, or store any structure, motor or
   other vehicle, equipment, or any other object within
   the right-of-way of any state highway.

E. Procedures and Review Criteria

The issuance of a permit to perform work within a state highway is
contingent on the approval of the project's construction plans by the
Department. These plans must be submitted along with a permit applica-
tion form available at the Department and the applicable permit fee.
However, fees may be waived if the Director of Transportation determines
that the work to be done will be of benefit to the State, and provided
further, that no fee will be required where the only work to be done is
the setting of poles and guys to carry overhead wires.

The Department of Transportation will review and approve, approve
with modification, or deny the permit request. If approved, the Director
of Transportation may require that before the issuance of a permit the
applicant submit a cash bond, surety company bond, or personal surety
bond in favor of the State, and for an amount equal to the estimated
cost of backfilling, restoring, or repairing the base court pavement
surface, structures, improvements, and landscaped area, and any other
additional costs that may be incurred as a result of the work done under
the permit during the one-year period following the satisfactory completion of the work.

All specifications, standards, and procedures for any type of work within a State Highway right-of-way are prescribed by the Department. On request by the applicant, a copy of these will be provided by the Department.

Excavated materials cannot be placed within any right-of-way without the prior approval of the Department, and must be removed from the work site at the expense of the applicant.

Backfill or any other repairs necessary to restore the highway to a condition similar to that existing before work was begun must be done by the applicant at his own expense.

F. Time from Filing to Final Action
A. Legal Authority

Chapter 205, Hawaii Revised Statutes

B. Rules and Regulations

State Land Use Commission's Rules of Practice and Procedure and District Regulations

Planning Commission's Rules Relating to Administrative Procedure

C. Responsible Agencies

Issued by: County Planning Commission

State Land Use Commission

Reviewed by: County Planning Department

Department of Land Utilization

City and County of Honolulu

D. Applicability

Any land use within an Agricultural or Rural State Land Use District, other than specifically permitted uses, requires the approval of the respective County Planning Commissions. If the proposed use of land involves more than 15 acres, then the Special Use Permit requires additional approval by the State Land Use Commission.

Geothermal development within an Agricultural or Rural District is not a permitted use and therefore requires the issuance of a Special Use Permit.

Maps identifying lands within the Agricultural and Rural Districts are available at the State Land Use Commission Office.

E. Procedures and Review Criteria

Persons who desire to use their land within either the Agricultural or Rural District for uses other than that specifically permitted, may petition the County Planning Commission for a Special Permit to use the land in the manner desired.

The permit request is filed either with the County Planning Department or the Department of Land Utilization (Oahu). The request should
specify the use desired and state the nature of the applicant's interest in the subject matter, his reasons for seeking the permit, and all pertinent facts, maps, plans and data relevant to the request. A processing fee must accompany each permit request.

A public hearing must be conducted by the Planning Commission, which will notify interested persons and agencies of the time and place of such hearing.

Before the hearing, the request is reviewed by the Planning Department or the Department of Land Utilization. A staff report is prepared with recommendations for approval, denial, or modification and it is presented to the Planning Commission at the hearing. The Commission may approve or deny the permit. It may also impose protective conditions on the permit, such as a reasonable time limit in which the land must be put to the petitioned use.

In cases involving a land area greater than 15 acres, the Planning Commission has 60 days following its approval to forward the request with findings and the record of hearing proceedings to the State Land Use Commission.

Within 45 days after receipt of the Planning Commission's decision, the State Land Use Commission must act to approve, approve with modification, or deny the permit. The Commission may also impose additional restrictions, but may not delete any conditions set by the Planning Commission in issuing the permit nor make these conditions less restrictive.

Denial either by the County Planning Commission or by the Land Use Commission, or modification by the Land Use Commission, of the desired use is appealable to the circuit court.

F. Time from Filing to Final Action

Three to eight months from time of filing.
A. Legal Authority

Chapter 343, Hawaii Revised Statutes

B. Rules and Regulations

Environmental Quality Commission's Environmental Impact Statement Regulations

C. Responsible Agencies

Determining the need for an EIS is the responsibility of the State or County agency to whom the applicant first applies for any permit or project approval connected with an action that falls under the coverage of the State EIS law. In case an applicant applies to 2 or more agencies simultaneously, the agencies must decide which one can most properly assume the role of "lead agency". Before the proposed action can be approved, the EIS must be accepted by offices designated by the Governor in the case of an action using State lands or funds, or by offices designated by the Mayor in the case of an action using County lands or funds. In the case of a private action, the EIS must be accepted by the agency to whom the applicant first applied for project approval.

D. Applicability

Applicants for State or County permits may be required to prepare an EIS if the proposed action falls within any of the following categories:

1. Actions proposing the use of State or County lands or funds.

2. Any land use within the State Conservation District.

3. Projects involving any land use within the shoreline area, defined as 20 to 40 feet inland and 300 feet seaward from the shoreline.

4. Actions proposing any use of lands within any historic or archaeological site as designated in either the State or National Register of Historic Places.

5. Any action which proposes an amendment to a County General Plan where such amendment would result in a designation other than agriculture, conservation, or preservation.
An Environmental Assessment is required for projects which take place within the above-described categories. Whenever agencies determine that such proposed actions may have significant effects on the environment, an EIS will have to be prepared.

Actions involving disturbances to State designated endangered species or the habitat of endangered species may also require an EIS, although a State EIS is not a regulatory requirement for impacts to endangered species under Chapter 343, HRS. The requirement for such is generally determined administratively by County agencies or the Department of Land and Natural Resources on a case by case basis. Furthermore, a Federal EIS is usually required for projects involving disturbances to Federally designated endangered species or defined critical habitats.

E. Procedures and Review Criteria

The process starts with the preparation of a written Environmental Assessment which identifies the potential impact of a proposed project and evaluates the significance of that impact. Environmental documents are the responsibility of the developer and are usually prepared by a consultant hired by the developer.

The approving agency must review the Assessment within 30 days of receipt and determine whether an EIS is required.

If impacts are judged to be insignificant, a Negative Declaration is filed with the Environmental Quality Commission (EQC) by the agency making such a determination. After the filing of a Negative Declaration, the public has a 60-day review period in which to challenge the determination and request that an EIS be prepared.

If the agency determines that an EIS is necessary, a notice is published by the EQC in its semi-monthly newsletter, the "EQC Bulletin", advising the public that an EIS will be prepared. The Environmental Impact Statement Preparation Notice, prepared by the agency requiring the EIS, summarizes the proposed action, points out areas of potential impact and generally documents the steps and criteria used in making the decision. The Notice also includes the name and address of a person who may be contacted for further information about the project.

Following the publication of the Notice, the public has 30 days in which to request to be a consulted party during the EIS preparation. The EIS preparer must then request comments in writing to all consulted parties. Upon receipt of such requests for comments, the consulted parties have 30 days in which to submit written comment.

There is no time limit set on the preparation of the EIS document although the usual time required by a consultant is 5 to 6 months. The major categories of information that must be included in the completed EIS are as follows:
Summary sheet which outlines and concisely discusses the contents.

Project description which includes a map, statement of objectives, use of public lands or funds, historic perspective and technical data.

The relationship of the proposed action to land use plans, policies, and controls for the affected area.

Any probable adverse environmental effects which cannot be avoided.

Alternatives to the proposed action.

The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

Mitigation measures proposed to minimize impact.

Any irreversible and irretrievable commitments of resources.

An indication of what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action.

Organizations and persons consulted.

Consultation comments and responses.

List of necessary permit approvals and their status.

After the draft EIS is prepared and circulated, the public has an additional 30 days to comment in writing. A written response must be made by the EIS preparer to any such public comments within 14 days of receipt. Both the comments and responses must be included in the final statement submitted for acceptance. The consultant will usually take 3 months to answer comments and prepare a revised Environmental Impact Statement.

While Chapter 343, HRS, does not require a public hearing for an EIS, one or more public hearings are generally inherent in the EIS review process.

An Environmental Impact Statement is accepted or not accepted by the agency requiring it. Acceptance of an EIS must be within 60 days of filing the document with the approving agency, provided that this time period may be extended at the request of the applicant for a period not to exceed 30 days. If the approving agency fails to make a determination of acceptability within the prescribed time period, the EIS is considered to be accepted.
If the EIS is not accepted, the applicant can either amend the statement to make it more acceptable and resubmit it or he can appeal the decision to the Environmental Quality Commission. Within 30 days of receipt of the appeal, the EQC will notify the applicant of its determination which is binding.

A statement that is accepted with respect to a particular action will satisfy the requirements of Chapter 343, HRS, and no other statement for that proposed action will be required. Thus, developers can save some valuable time in the permitting process by using a single EIS to satisfy requirements for all approvals.

It is important to note that acceptance of the EIS is not the same as approving the project action to which it relates. Agency acceptance of an EIS means that all identifiable environmental impacts have been adequately described, and questions raised during the review phase of the document have been satisfactorily answered by the applicant. Acceptance does not mean that a project is approved. It is merely a condition preceding a request for permit approval. Therefore, it is possible to have an accepted EIS which adequately discusses environmental impacts and have the project itself disapproved.

The mechanics of filing the statement, public notification of agency decisions, distribution of the statement for review, and appeals from agency decisions are handled through the Environmental Quality Commission. Contact the EQC for information on Chapter 343, HRS, EQC rules and regulations, and other legal/procedural questions.

Whenever a project action is subject to both the National Environmental Policy Act of 1969 and Chapter 343, HRS, a joint EIS can be filed with concurrent public review and processing at both levels of government. Where Federal law has EIS requirements in addition to but not in conflict with the State EIS law, agencies will cooperate in fulfilling these requirements so that one document will satisfy all applicable laws. The Office of Environmental Quality Control has been designated the lead agency at the State level for coordinating the review of Federal EIS's in Hawaii.

F. Time from Filing to Final Action

The time from initial filing of the Environmental Assessment to final acceptance of the EIS is usually from 6 months to a year, although a Negative Declaration can be obtained in a shorter time. EIS's for controversial projects can easily extend the processing time to beyond a year.

Therefore, if a project will probably require an Environmental Impact Statement, the EIS process should be started at least a year before agency approval for a permit is needed. Projects for which a Negative Declaration will be sufficient should start the assessment process at least 3 months before approval is needed.
VARIANCE FROM POLLUTION CONTROLS

A. Legal Authority

Chapter 342, Hawaii Revised Statutes

B. Rules and Regulations

Public Health Regulations, Chapters 37A, 42, and 44B

C. Responsible Agency

Issued by: Department of Health
Environmental Protection and Health Services Division

D. Applicability

A special written authorization by the Director of Health must be obtained for any emission or discharge of a pollutant or noise which exceeds applicable standards. Refer to Chapters 37A, 42, and 44B of the Public Health Regulations for water quality, air quality, and noise standards, respectively.

E. Procedures and Review Criteria

An application form is available at the Department of Health. The application must be accompanied by a complete and detailed description of present conditions, how present conditions do not conform to standards, and such other information as the Department may prescribe.

Each application will be reviewed in light of the probable effect the variance from pollution controls will have upon air quality standards, water quality standards, or noise level standards. No variance can be granted unless the application and the supporting information clearly show that:

1. The continuation of the function or operation is in the public interest as defined in Section 342-6, HRS.

2. The emission or discharge occurring or proposed to occur does not substantially endanger human health or safety.

3. Compliance with the rules, regulations, or standards from which variance is sought would produce serious hardship without equal or greater benefits to the public.

A public hearing is not mandatory, but the Director may hold a hearing after reviewing an application for the issuance, renewal, or modification of a variance.
Whenever an application is approved, the Department will issue a variance authorizing the emission or discharge of pollutant or noise in excess of applicable standards. Every variance granted must include conditions requiring the applicant to perform air, discharge, effluent, or noise sampling and report the results of such sampling to the Department.

The variance will be issued for a period not exceeding 10 years and may be renewed.

Any application for renewal must be made at least 180 days before the expiration of the variance. No renewal can be allowed without a thorough review of known and available means of preventing, controlling, or abating the pollution or excessive noise involved.

No variance can be issued or renewed for any discharge of pollutants or wastes which is in violation of the requirements of the Federal Water Pollution Control Act, Amendment of 1972.

F. Time from Filing to Final Action
CITY AND COUNTY OF HONOLULU

PERMITS AND REGULATIONS
BUILDING PERMIT FOR BUILDING, ELECTRICAL, AND PLUMBING WORK

A. Legal Authority

Revised City Charter, Chapter 15, City and County of Honolulu

The Revised Ordinances of Honolulu, 1978, Chapters 16, 17, 18, and 19

B. Rules and Regulations

Building Code, R.O., 1978, Chapter 16
Amendment to Chapter 16, Ordinance No. 80-73, 1980

Electrical Code, R.O., 1978, Chapter 17
Amendment to Chapter 17, Ordinance Nos. 81-26 and 81-44, 1981

Plumbing Code, R.O., 1978, Chapter 19
Amendment to Chapter 19, Ordinance No. 80-100, 1980

Amendment to Chapter 18 (Fee Schedules and Permit Procedures), Ordinance No. 80-108, 1980

National Building Code, 1979 Edition
National Electrical Code, 1981 Edition
International Officials Uniform Plumbing Code, 1979 Edition

C. Responsible Agency

Issued by: Building Department
City and County of Honolulu

D. Applicability

A building permit refers to a consolidated permit governing work performed under the Building, Electrical, Plumbing, and Sidewalk Codes. For each building or structure, a single permit may be obtained for all building, electrical and plumbing work, and the construction of sidewalks, curbs, and driveways.

The following work may not be performed without first obtaining a building permit:

1. Erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure (including fences and retaining walls);

2. Any electrical work;

3. Install, remove, alter, repair or replace any plumbing, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment; and
4. Reconstruct or improve any sidewalk, curb, or driveway in public street rights-of-way.

Electrical work by an electrical utility or serving agency supplying electricity, operating under a State granted franchise, is exempt from the Electrical Code. Refer to the chapters in the Revised Ordinances cited above for other specific exemptions for which a building permit is not required.

E. Procedures and Review Criteria

To obtain a permit, an application must be submitted to the Building Department. Every application must include the following information:

1. Identification and description of the work to be covered by the permit, including a list of all phases of electrical and plumbing work.

2. Location of the land on which the proposed work is to be done, by lot, block, tract or street address.

3. Use or occupancy for which the proposed work is intended.

4. Valuation of the proposed work.

5. Name, address and contractor license number of each contractor or subcontractor engaged to do electrical or plumbing work, and the particular phase or phases of work to be performed by each one.

In addition to the application form, 3 sets of plans and specifications are required. They should be drawn to scale with sufficient information and details to clearly show the nature and extent of the work to be performed. The plans must be properly stamped and signed by an architect or structural engineer if the principal structural members are of reinforced concrete or structural steel, regardless of value. Electrical plans must bear the approval of an electrical engineer or an architect or engineer qualified in such work by experience.

Certain information must be shown on the plans:

1. The first sheet of each set of plans must give the address and/or tax map key of where the work is to be done, and the name and address of the owner.

2. Name and address of person who prepared the plans.

3. On plot plan, show lot dimensions, location of driveway, location of proposed work, distance from property lines and other buildings, easements and other pertinent information.
4. On floor plan, indicate the use of rooms, room dimensions, location and sizes of windows, exits, etc.

5. On framing plans or typical section view, show sizes and spacing of beams, floor joints, rafters, and ceiling heights.

6. On outside or exterior elevation views, show heights of building.

7. For projects which include construction of driveways in public street rights-of-way, show the entire lot and improvements thereon, the location of new and existing driveways, street trees, utility poles, fire hydrants, catch basins, parking stalls and any other features in the sidewalk area which may affect the construction and/or use of the driveway.

The fee schedule for a building permit starts at $6.00 and increases as the total estimated value of the work increases. The valuation to be used in computing the permit fee is based upon the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or equipment.

The Building Department reviews the application and plans for compliance with the Building, Electrical, Plumbing, and Sidewalk Codes. The application and plans are referred to a number of City and State agencies with jurisdiction over specific aspects of the proposed work to be done.

The Building Department issues the permit on the basis of this compliance. Each permit is valid for a period of 3 years from the date of issuance. If a building is not completed within the 3-year time limit, a new building permit may be obtained to complete the required work.

A permit may be revoked if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized is suspended for a period of 120 days.

Chapter 16, R.O. 1978, establishes a Building Board of Appeals to hear and adjudge appeals on actions by the Building Official in administering building permits.

F. Time from Filing to Final Action

Variable. Building permits are one of the last permits to be issued in the County/State permitting process, because the project must first comply with all other pertinent laws and ordinances regulating its development. Thus, all approvals and issued permits are required inputs for obtaining this permit.
BUILDING PERMIT TO RECONSTRUCT OR REPAIR
SIDEWALKS, CURBS, AND DRIVEWAYS

A. **Legal Authority**

The Revised Ordinances of Honolulu, 1978, Chapters 18 and 20

B. **Rules and Regulations**

Sidewalk Code, R.O., 1978, Chapter 20, Article 2
Amendment to Chapter 20, Article 2, Ordinance No. 81-15, 1981
Amendment to Chapter 18 (Fee Schedules and Permit Procedures),
Ordinance No. 80-108, 1980
Standard Details, Department of Public Works, August 1976
Standard Specifications for Public Works Construction,
Department of Public Works, May 1975

C. **Responsible Agency**

Issued by: Building Department
City and County of Honolulu

D. **Applicability**

This permit is needed for the reconstruction or repair of a
"sidewalk," "curb," or "driveway" within public streets right-of-way,
The Building Department may require construction in the interest of
public safety or welfare when it is determined that such is needed
because of action attributable to the owner of land abutting the sidewalk,
curb, or driveway.

E. **Procedures and Review Criteria**

The Building Department must give notice of the required construc-
tion to the landowner either by publication in a daily newspaper of
general circulation in the City once in each of 3 consecutive weeks, or
by mailing a copy of the notice by certified mail to the owner.

This notice describes the nature of the construction needed, its
location, and gives specific direction to the owner to reconstruct or
repair the sidewalk, curb, or driveway.

Permit application and the payment of fees are the same as those
required for a Building Permit for Building, Electrical, and Plumbing
Work under Ordinance No. 80-108,
The Owner has 60 days after the date of publication or after receipt of the notice to complete the prescribed work. If he fails to do so, such construction is carried out by the City and County and the owner is billed for the costs incurred.

Standards and specifications for sidewalk, curbs, and driveways are contained in Sections 20-2.8, 20-2.9, and 20-2.10 of R.O., 1978, Chapter 20, respectively. Exceptions and exemptions are also contained in these sections.

The owner is required to notify the Building Department at least 24 hours before work is begun. All work authorized by the permit, including formwork and reinforcement, is subject to Building Department inspection.

F. Time from Filing to Final Action
GRUBBING, GRADING, AND STOCKPILING PERMIT

A. Legal Authority

Chapter 180C, Hawaii Revised Statutes

The Revised Ordinances of Honolulu, 1978, Chapter 23

Ordinance No. 81-13, City and County of Honolulu

B. Rules and Regulations

R.O., 1978, Chapter 23

Soil Erosion Standards and Guidelines

C. Responsible Agency

Issued by: Department of Public Works
City and County of Honolulu

D. Applicability

A permit is required for any grubbing, grading, or stockpiling operations. However, grubbing permits are not required for lands for which a grading permit has been issued. See Chapter 23 of the R.O., 1978 for operations excluded from this regulation.

E. Procedures and Review Criteria

An applicant for a grubbing, grading, or stockpiling permit must file a written application which includes the following basic information:

1. Description, by tax key or street address, of the land on which the proposed work is to be done.

2. The estimated dates for the starting and completion of the proposed work.

3. The name and address of the owner of the property.

4. The name of the permittee and the person who will be responsible for the work to be performed by himself, his contractors and/or employees.

In addition to the above, an applicant for a grading permit must include:

1. Any environmental impact statement required by Federal or State agencies.
2. A sketch map or plan adequately indicating the site location, property lines, easements and setbacks of the property on which the work is to be performed.

3. Information regarding the location of any buildings, structures and improvements on the property where the work is to be performed and location of any building or structure on adjacent property which is within 15 feet of the property to be graded when the grading may affect the buildings or structures.

4. Elevations, dimensions, location, extent and the slopes of all proposed grading shown by contours.

5. The area in square feet of the land to be graded.

6. The quantities of excavation and fill involved.

Where the graded area is 15,000 square feet or more, the application must:

1. State the purpose of the grading work.

2. Include a contour map, prepared by a surveyor or engineer, which shows the location and type of existing trees with a trunk diameter larger than 12 inches, prominent visible rock outcroppings, utility lines, structures, dimensions and azimuths of property lines, easements and setbacks, and name and location of streets, roadways, and rights-of-way.

3. Include a grading plan and specifications prepared by an engineer, which shows the contours of the land before and after grading.

If the project involves more than one acre or a proposed cut or fill greater than 15 feet in height, the applicant must also submit a drainage and erosion control plan that is prepared in accordance with the Department's Erosion Control Standards and Guidelines.

An applicant for a grubbing permit must file a statement of the purpose for which the grubbing is required, a plot plan showing the location and property boundaries, easements, and setbacks, and an erosion and sediment control plan.

An applicant for a stockpiling permit must furnish a plot plan showing the property lines, easements and setbacks and the location of the proposed stockpile, quantities, height of stockpile, life of stockpile, and the source material to be stockpiled.
After approval of the operation's plot plan, 3 copies must be submitted to the Permit Section of the Department of Public Works.

Before issuing a permit, the Chief Engineer must collect a permit fee based upon the volume of earth to be moved or square feet of area denuded. (See Ordinance No. 81-13 for current fee schedule).

At this point, a performance bond may be required for a grading or stockpiling permit. This bond is required for all projects involving movement of more than 500 cubic yards of earth or for excavations or fills of over 15 feet in vertical height. The bond must be obtained from a surety firm operating in Hawaii, with the amount of the bond dependent upon the volume of earth to be moved.

All permits are issued for a one-year period and may be renewed. Furthermore, all grubbing and grading operations must start within 90 days of their approval date or else the permits will be voided.

All grubbing, grading, and stockpiling operations for which a permit has been issued are subject to inspection prior to the initiation of such work.

F. Time from Filing to Final Action

Variable. These permits will not be granted until all other environmental and regulatory requirements have been met. Therefore, delays in the processing time of these permits can be expected. However, once the other agency approvals have been secured, the actual process of approving these permits may take as little as 2 to 3 weeks.
PERMIT TO EXCAVATE STREETS AND SIDEWALKS

A. Legal Authority

The Revised Ordinances of Honolulu, 1978, Chapter 20, Article 1

B. Rules and Regulations

R.O., 1978, Chapter 20, Article 1
Amendment to Chapter 20, Article 1, Ordinance No. 81-14, 1981

Standard Specifications for Public Works Construction of the Department of Public Works

C. Responsible Agency

Issued by: Department of Public Works
City and County of Honolulu

D. Applicability

A permit is required to break up, dig up, disturb, or dig under any public highway, street, sidewalk or any other public place. However, emergency repairs to utilities may be started without a permit. When such emergency work is performed, the Chief Engineer or his authorized representative must be notified of the location and type of the emergency the following work day. A written permit covering the emergency work must be obtained from the Department of Public Works not later than 10 working days following the emergency.

E. Procedures and Review Criteria

Any person may apply for the permit by submitting an application form to the Department of Public Works. Also required is a plan, drawn to scale, showing the location of each proposed excavation and the dimensions thereof, including the surface area of said opening in paving, sidewalk and other structures, the nature, size, length and purpose of the structure to be installed therein, and such other details as the Department may require. In lieu of the plan, a single line sketch, drawn to scale may be submitted to show the location of each excavation for location of trouble or for repair to utilities.

A permit fee is required based upon the type and extent of the proposed construction. (See Ordinance No. 81-14 for the fee schedule presently in effect.)

Before issuing a permit, the Department will:

1. Obtain clearance from City Departments having underground installations and from the various utility companies,
2. Require the securing of insurance naming the City as an additional assured, to protect it against any and all claims or action for injury and death to person or property damages due to any act or omission of the permit holder arising out of any work done under said permit, said insurance to be in the amount of $100,000 for property damages per occurrence and in an amount not less than $500,000 for bodily injury or death.

3. Require a bond in favor of the City, extending for a period not to exceed one year after approval of any restored pavement, sidewalk, or other public improvement, to insure the proper restoration thereof. The amount of the bond shall be not less than $1,000 or the estimated cost of excavation and restoration work whichever is higher.

Every trenching permit is good for one year from the date of issuance.

The permittee must also obtain a permit from the City Department of Transportation Services before any work on any portion of a public street may begin. (See Street Usage Permit.)

At least 3 working days before the work is started, the permittee must give notice of the time of the commencement of the work to the Chief Engineer. All work authorized by the Department will be subject to inspection.

Trench excavation and backfill must be performed in accordance with the applicable provisions contained in the Standard Specifications for Public Works Construction of the Department of Public Works, May 1975.

F. Time from Filing to Final Action
A. **Legal Authority**

Chapter 286, Hawaii Revised Statutes

Ordinance Nos. 3744 (1971) and 4650 (1976), City and County of Honolulu

B. **Rules and Regulations**

Rules and Regulations Governing the Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways in the State of Hawaii

C. **Responsible Agency**

Issued by: Department of Transportation Services
City and County of Honolulu

D. **Applicability**

A street usage permit is required for:

1. All construction work performed on City and County streets, highways, roads, lanes, paths, driveways and/or sidewalks.

2. Parking on City and County roads (in conjunction with construction) for:
   
   (a) unloading and loading at job sites.
   (b) use or prohibition of use of metered stalls in area of construction.

3. Street closure (in conjunction with construction):

   (a) during excavation on a roadway.
   (b) during road construction or reconstruction.

E. **Procedures and Review Criteria**

An application must be submitted to the Department of Transportation Services. A form for this purpose is available at the Department.

Information required includes the location of the work (by street), effective date and termination of the work, and a brief description of the work proposed.

Dependent upon the scope of work proposed, construction drawings may be requested.
The Department reviews the application in accordance with the rules and regulations. These require the use of traffic control devices such as signs, markers, barricades, cones, lights, etc. to alert the motorist or pedestrian to construction adjacent to, above, below or near any public street or highway.

A street usage permit must be obtained at least 5 days (except for emergency repair work) before starting work.

The permittee is also responsible for notifying the fire, police and health and ambulance departments and any public transit or public utility company that may be affected by the work.

F. *Time from Filing to Final Action*
VARIANCE FROM BUILDING, ELECTRICAL, AND PLANNING CODES

A. Legal Authority

Revised City Charter, 1973, Chapter 15, City and County of Honolulu

The Revised Ordinances of Honolulu, 1978, Chapters 16, 17, and 19

B. Rules and Regulations

Refer to R.O., 1978

C. Responsible Agencies

Approved by: Building Board of Appeals
            City and County of Honolulu

Reviewed by: Building Department
             City and County of Honolulu

D. Applicability

A variance is required when a person wishes to vary from the requirements of the Building, Electrical, or Plumbing Codes, e.g., requests for variances would include the use of new or alternative materials.

E. Procedures and Review Criteria

An application must be submitted in duplicate to the Building Department. A form for this purpose is available at the Department. In addition to the application form, 2 copies of a plot plan, drawings, computations, and other pertinent data are required.

Supporting data should include:

1. An explanation as to why strict application, operation or enforcement would result in practical difficulty or unnecessary hardship;

2. Assurance that safety to life, limb, and property will not be jeopardized; and

3. Assurance that granting the variance would not be injurious to adjoining uses, would not create fire hazards, and would not be contrary to the purpose of the codes and the public interest.

There is a basic filing fee of $25. If the application involves more than one building or more than one item for variance, additional fees of $1.00 for each additional building and $10 for each additional item are charged.
The Building Department reviews and prepares a report for the Board. Hearings are usually held by the Board of Appeals during the first Friday of each month. The decision to approve or deny the request is made after the hearing is held. In making its determination, the Board will take into account the character, use and type of occupancy and construction of adjoining buildings, buildings on adjoining lots and the building involved.

A decision and order and separate findings of fact and conclusions of law are prepared by the Department for the Board and sent to each party or appointed representative after action has been taken.

Appeals from the decision of the Board of Appeals are directed to the Circuit Court.

F. Time from Filing to Final Action
WELL PERMIT

A. Legal Authority

Chapter 54, Hawaii Revised Statutes

Revised City Charter 1973, Article VII

B. Rules and Regulations

Board of Water Supply's Rules and Regulations, 
City and County of Honolulu

C. Responsible Agency

Issued by: Board of Water Supply 
City and County of Honolulu

D. Applicability

All wells dug in the City and County of Honolulu (outside of the 
Pearl Harbor District) for the location, exploration or acquisition of 
any groundwater requires the issuance of a well permit. This permit 
is basically intended to regulate the utilization of groundwater 
resources and to mitigate any possible contamination of fresh ground-
water supplies. Thus, prior approval from the Board of Water Supply 
would be required for any geothermal drilling on Oahu.

E. Procedures and Review Criteria

Application forms for drilling new wells may be obtained at the 
Board of Water Supply Office,

Each application for a well permit must be submitted to the BWS 
Manager and include the following information:

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

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

3. Specifications for the proposed work including the length, 
nominal diameter, thickness, material, type of joints and 
kind of casing or lining.
4. A plan of the well showing main control valve, fittings, appurtenances required by the Board's Rules and Regulations and discharge pipes leading from the well; size, type, capacity and kind of pumps or tanks; buildings and manholes; and a vertical cross section of the well including details of casing or lining, grouting of annular space, and open hole.

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

A fee of $100 must accompany each application for the drilling of each new well. In addition, before the permit is granted, a bond for each well must be submitted to the Manager. The amount of the bond will be set by the Manager but in no case will the amount exceed $25,000.

All applications must be acted upon by the Manager within 30 days after receipt.

The Manager may refuse to grant a permit to drill a well if there is a reasonable basis to expect that the proposed work will affect groundwater resources by:

1. Causing or bringing about overdraft conditions, or
2. Excessive lowering of the ambient groundwater table, or
3. Causing or bringing about excessive salt water intrusion, excessive mineralization or other degradation of water quality, or
4. Interfering with the operations of existing established water sources.

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

This permit is valid for one year from date of issuance.

The owner of the well must notify the BWS Manager when drilling work, including the installation of the casing, is completed, but prior to installing any equipment on or in the well.

The owner shall require that the well driller maintain a continuous log of the drilling of the well, including a description and samples of the materials encountered, together with the depths to the top and bottom of each change in geologic characteristics.
Within 90 days after construction of each well, the owner must submit a Driller's Report to the Manager on forms approved by the Manager.

All plans proposing the drilling of a disposal well must have the written approval of the Manager of the Board of Water Supply. ("Disposal well" is defined in the Rules and Regulations as any excavation that is drilled into the ground for the injection of wastewaters or other liquids into any underground formation.) The Manager may at his discretion, withhold his approval, if there is any basis to expect that the operation of the proposed well and wastewater therefrom may affect the quality and/or quantity of water resources used for domestic purposes.

F. Time from Filing to Final Action

One month.
A. Legal Authority

Revised City Charter, 1973, Chapter 10

The Revised Ordinances of Honolulu, 1978, Chapter 21
(Comprehensive Zoning Code)

B. Rules and Regulations

Rules Relating to Administrative Procedure,
Zoning Board of Appeals

C. Responsible Agencies

Approved by: Zoning Board of Appeals
City and County of Honolulu

Reviewed by: Department of Land Utilization
City and County of Honolulu

D. Applicability

A zoning variance is required when a person wishes to vary from
certain requirements of the Comprehensive Zoning Code, e.g., exceeding
the prescribed height limit of buildings and structures.

E. Procedures and Review Criteria

A variance application form is available at the Department of Land
Utilization. The applicant must provide the following data on the
application:

1. Name and mailing address of the landowner and/or his
   authorized agent.

2. A description of the property.

3. Reference to the Comprehensive Zoning Code requirement
   from which a variance is proposed and why such is
   necessary.

4. Statements showing how the applicant would be deprived of
   the reasonable use of his property if the variance is not
   granted.

Drawings and specifications must also be submitted.

A $100 filing fee must accompany each application for a zoning
variance.
The application is reviewed by the Department of Land Utilization and a report with recommendations is submitted to the Board of Appeals.

The Board holds a public hearing after adjacent property owners have been notified and a hearing notice has been published in a newspaper of general circulation.

The Board is authorized to grant a variance application on the grounds of unnecessary hardship if the record shows that:

1. The applicant would be deprived of the reasonable use of such land or building if it were used only for the purpose allowed in that zone;

2. The request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and

3. The use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance.

The Board may act on the variance application by approving it, denying it, or approving with modification.

F. Time from Filing to Final Action
COUNTY OF HAWAII

PERMITS AND REGULATIONS
BUILDING PERMIT

A. Legal Authority

Hawaii County Code, Chapter 15

B. Rules and Regulations

Amendment to Chapter 15, Hawaii County Code, Ordinance No. 384, 1978


C. Responsible Agency

Issued by: Department of Public Works
Bureau of Building Construction and Inspection
County of Hawaii

D. Applicability

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Department of Public Works.

One permit may be obtained for a dwelling and its accessories, such as fence, wall, and garage without living quarters. (See Section 8 of the Ordinance for exception to the Building Code.)

E. Procedures and Review Criteria

Each application for a building permit must be accompanied by 3 sets of plans and specifications. Check with the Bureau of Building Construction and Inspection for the specific information and details that should be included in the plans.

The application, plans, and specifications will be reviewed by the Bureau and circulated to other appropriate County and State offices to check compliance with laws and ordinances under their jurisdiction. If the work described in the application and plans conform to the Building Code, and the appropriate fee has been paid, the Bureau will approve the plans and issue the permit.

Such approved plans and specifications can not be altered without authorization from the Bureau, and all work must be done in accordance with the approved plans.

Every permit will expire by limitation if the work authorized by such permit is not commenced within 120 days from the date of
issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 120 days.

All construction or work for which a building permit is required is subject to inspection to verify compliance with the Building Code. All buildings and structures when completed and ready for use are subject to final inspection and approval.

Any appeal from the decision of the Department in the administration of the Building Code or any petition for varying the application of the Code may be submitted to the Board of Appeals for hearing and determination.

F. Time from Filing to Final Action
CONSTRUCTION WITHIN A GOVERNMENT RIGHT-OF-WAY

A. Legal Authority

Hawaii County Code, 1975, Chapter 3, Article 2, Section 16

B. Rules and Regulations

Refer to County Code

C. Responsible Agency

Reviewed by: Department of Public Works
Bureau of Plans and Surveys
County of Hawaii

D. Applicability

The intent of this regulation is to control the work within the County government right-of-way. A conditional consent is issued by the Department of Public Works prior to the application for a permit to excavate.

E. Procedures

Plans and specifications must be submitted to and reviewed by the Department of Public Works. The Department will stipulate conditions necessary for the control of the proposed work prior to issuance of the excavation permit.

There is no permit requirement except the conditional agreement and the excavation permit.

The work performed must be inspected and accepted by the Department.

F. Time from Filing to Final Action
ELECTRICAL PERMIT

A. Legal Authority

Hawaii County Code, Chapter 11

B. Rules and Regulations

Amendment to Chapter 11, Hawaii County Code, Ordinance No. 395, 1978


C. Responsible Agency

Issued by: Department of Public Works
           Bureau of Building Construction & Inspection
           County of Hawaii

D. Applicability

Any person who performs any electrical work or causes or permits the same to be done must obtain a permit from the Department of Public Works. The provisions of this regulation applies to all electrical work and installations in the County, with exceptions as covered by Section 90-2(b) of the 1978 National Electrical Code and Section 3 of the County Electrical Code.

A separate permit must be obtained for each building or structure, except that a permit for a main building may include electrical work for a private garage, shed, or accessory building located on the same premises as the main building, and supplied by a feeder or circuit from the main building.

E. Procedures and Review Criteria

The applicant must file an application for a permit on forms available at the Department of Public Works,

The application must be accompanied by plans and specifications giving such details of the proposed installation as required by the Department. Such plans and specifications must bear the approval of either a professional electrical engineer registered in the State of Hawaii or a professional architect or other engineer registered in the State of Hawaii and qualified in such work by experience.

The Bureau of Building Construction and Inspection reviews the plans and issued the permit upon the payment of the applicable fee, if it is satisfied that the installation described in the application will conform to the provisions of the Electrical Code and all pertinent laws. The permit fee schedule for specific electrical work is outlined in the County Electrical Code.
The issuance of a permit is not an approval or an authorization of work specified therein. A permit is merely an application for inspection, the issuance of which entitles the permittee to inspection of the work which is prescribed therein. Thus, all work performed under a permit must be inspected and approved by the Department.

All requests for inspection of electrical work performed under a permit must be submitted in writing on forms furnished by the Department of Public Works.

The notice must be filed with the Department not less than 48 hours and not more than 72 hours before any such inspection is desired.

Whenever electric wiring has been approved, a certificate of inspection therefor will be issued on demand.

Any appeal from the decision of the Department in the administration of the County Electrical Code involving any denial of the use of new or alternate materials, types of construction, equipment, fixtures, devices or appliances, or any petition for varying the application of the Electrical Code may be submitted to the Board of appeals for hearing and determination.

F. Time from Filing to Final Action
GRUBBING, GRADING, EXCAVATION AND STOCKPILING PERMIT

A. Legal Authority

Ordinance No. 168, County of Hawaii, 1975

B. Rules and Regulations

Ordinance No. 168
Erosion and Sedimentation Control Standards and Guidelines

C. Responsible Agency

Issued by: Department of Public Works
Bureau of Plans and Surveys
County of Hawaii

D. Applicability

No grubbing, grading, or stockpiling work can be performed without an applicable permit. Exceptions to this regulation are listed in Section 1.4 of the County Ordinance.

E. Procedures and Review Criteria

An applicant for a grading, grubbing, or stockpiling permit must submit the following information on an application form furnished by the Department of Public Works:

1. Description by tax key or street address of the land on which the proposed work is to be done,

2. The estimated start and completion dates of the proposed work,

3. Names of the permittee and/or owner including engineer, if applicable, who will be responsible for the work to be performed.

Each application for a grading permit must also be accompanied by 2 sets of plans and specifications, which includes:

1. A vicinity sketch or other data adequately indicating the site location.

2. Boundary lines of the property on which the work is to be performed.

3. Location of any buildings, structures, or designated historic and archaeological sites, on the property where the
work is to be performed and location of any building or structure on land of adjacent property which is within 15 feet of the property to be graded when the grading may affect the buildings, structures, or designated historic and archaeological sites.

4. Contours showing the topography of the existing ground and extending five feet into adjacent property when required by the Chief Engineer.

5. Elevations, dimensions, location, extent and the slopes of all proposed grading shown by contours and other means.

6. The area in square feet of the land to be graded and the quantities of excavation and fill involved.

7. Any additional plans, drawings, or calculations required by the Chief Engineer.

For grading of areas of more than 15,000 square feet, an applicant must submit a contour map, prepared by an engineer or land surveyor and approved by the Chief Engineer, showing the contours and elevations of the land before and after completion of the proposed grading. This map must include the location of existing large trees, designated historic and archaeological sites, and definable rock outcroppings, lava tubes, detailed plans and specifications of all drainage devices and utilities, including bank protection, walls, cribbing, dams, silting or sediment basins, landscaping, screen planting, erosion control planting or other protective devices to be constructed in connection with the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains.

An applicant for a grubbing permit must furnish 2 sets of plot plans showing the location, the property boundaries, and any other pertinent information as may be required by the Chief Engineer.

An applicant for a stockpiling permit must submit 2 sets of plot plans showing the property lines and the location of the proposed stockpile, quantities, height of stockpile, duration of stockpile, source and type of material to be stockpiled, and furnish any other information as required by the Chief Engineer to control the creation of dust, drainage, or sedimentation problems.

The Bureau of Plans and Surveys reviews the plans and specifications and issues the permit upon payment of the fees. The applicable permit fee schedule is outlined in the Ordinance.

Every grading, grubbing, and stockpiling permit is valid for one year from the date of issuance. However, any grading or grubbing work authorized by the Department must start within 90 days after the date of issuance of the permit or within 90 days after the completion date specified thereon or else the permit will be voided.

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All work for which a permit is issued must be inspected and approved by the Department of Public Works.

All grading, grubbing and stockpiling permits and operations must conform to the erosion and sedimentation control standards and guidelines established by the Department of Public Works in conformity with Act 249, SLH 1974.

F. Time from Filing to Final Action

The Bureau of Plans and Surveys must act upon a permit request within 30 days of its submittal or else it will be deemed to be automatically approved.
OUTDOOR LIGHTING

A. Legal Authority

Ordinance No. 38, County of Hawaii, 1974

B. Rules and Regulations

Ordinance No. 38
Amendment to Ordinance No. 38, Ordinance No. 686, 1981

C. Responsible Agencies

Reviewed by: Department of Public Works
Bureau of Building Construction & Inspection
County of Hawaii

Department of Public Works
Division of Traffic Safety & Control
County of Hawaii

D. Applicability

All developmental plans for outdoor lighting should adhere to good shielding and filtration practices to lessen the harmful effects of atmospheric light scattering. The purpose is to help preserve the unique qualities of mountain top areas for astronomical studies, which would be impeded by uncontrolled light illuminating the sky.

Therefore, all outdoor lights, except those utilizing low pressure sodium light sources must be shielded from above in such a manner that the edge of the shield shall be level with or below the center of the light source. Moreover, all outdoor lighting having more than 15 per cent of the total emergent flux lying in the spectral region below 4400 angstrom units must be filtered with a filter whose transmission is less than 10 per cent at any wave length less than 4400 angstroms. This includes, but is not limited to, mercury vapor and fluorescent type lamps.

E. Procedures and Review Criteria

There is no special permit requirement other than plan and specifications approval. The Division of Traffic Safety and Control (street lights) and the Bureau of Building Construction and Inspection (all other lighting) review and approve the plans and specifications submittals.

F. Time from Filing to Final Action
PERMIT TO EXCAVATE PUBLIC HIGHWAYS, ETC.

A. **Legal Authority**

   Hawaii County Code, Chapter 3, Article 2, Section 10

B. **Rules and Regulations**

   Refer to County Code

C. **Responsible Agency**

   Issued by: Department of Public Works
   Bureau of Plans and Surveys
   County of Hawaii

D. **Applicability**

   A permit is required to break up, dig up, disturb or dig under any public highway, street or any other public place in the County of Hawaii. Such permit will be issued upon the conditions that the applicant will restore or replace the public highway, street or other public place disturbed to its original condition.

E. **Procedures and Review Criteria**

   Any person desiring the permit must apply on forms available at the Department of Public Works.

   Prior to the issuance of a permit, the Chief Engineer may require the applicant to submit a cash bond, surety company bond, or personal surety bond in favor of the County. The amount of the bond will be double the estimated cost of restoring or replacing the public highway, street or other public place to its original condition.

   There is a permit fee of 25¢ per lineal foot for the first 50 feet or less and 2-1/2¢ per lineal foot for all in excess of 50 feet of opening that is cut into any public place, with a minimum fee of $7.50. No fee will be charged for work involving the settling of poles and guys to carry overhead wires.

   As a prerequisite to the issuance of the excavation permit, the applicant must sign a conditional agreement with the Department which stipulates conditions for the proposed construction.

   During construction, the Department inspects and accepts the work.

F. **Time from Filing to Final Action**
PLAN APPROVAL

A. **Legal Authority**
   
   Hawaii County Code, Chapter 8, Article 22

B. **Rules and Regulations**
   
   Refer to County Code

C. **Responsible Agency**
   
   Issued by: Planning Department  
   County of Hawaii

D. **Applicability**

   No structure may be erected, no use may be established and no significant development or improvement of structures or of land may occur in RS, CO, CV, RM, V, CN, CG, ML, MG, U, or 0 districts or within 75 feet of the right-of-way of any road, street or highway designated on the "Zoning Map" as a "Tourist Route," unless plan approval has first been secured for such structure, use, development or improvement. (See Chapter 8, Article 2 of the County Code for permitted uses and other regulations of the land use districts.)

   Plan approval may be required as a condition of approval or any "Variance" or other action relating to a specific use.

E. **Procedures and Review Criteria**

   Plans must be submitted to the Planning Department for review and comments. The plans must include a site plan containing the following information: the location and dimension of the building site; the location, size, height and use of all existing and proposed structures; floor plans; setbacks; all open spaces; location, height, and material of all fences and walls; parking layout; the location, general nature, and type of protection or shielding devices of all exterior lighting; all proposed landscaping and planting; and any other information required by the Planning Director.

   There is no filing fee required.

   The Director will consider the application and the proposed use of the parcel of land in relation to the surrounding property, community characteristics, and natural features in order to assure: adequate light and air; proper siting and arrangements of all structures and improvements; that existing and prospective traffic movements will not be hindered; that the use is properly landscaped commensurate with said use and its surroundings; that unsightly areas are properly screened or eliminated; that there is adequate off-street parking to serve the use; that no potential accident hazards will be created in gaining access to
the parking areas; and that within reasonable limits the natural features of community value are preserved.

To this end the Director will require any conditions or changes in the proposal which are necessary to carry out and further the purposes of Chapter 8 of the County Code and the above mentioned considerations and requirements.

The Director, within 45 days after the application is filed or within a longer period agreed to by the applicant, must either deny, approve, or defer the application subject to conditions or alterations. If the Director fails to act within the 45 day period or within such longer period as may be agreed to by the applicant, the application is considered approved.

If the applicant is not satisfied with the Director's decision, he may appeal in writing to the Board of Appeals within 30 days of the action. The Board will review the appeal and sustain, reverse, or modify the action of the Director.

F. Time from Filing to Final Action

Forty-five days from time of filing.
PLUMBING PERMIT

A. Legal Authority

Hawaii County Code, Chapter 13

B. Rules and Regulations

Amendment to Chapter 13, Hawaii County Code, Ordinance No. 383, 1978


C. Responsible Agency

Issued by: Department of Public Works
Bureau of Building Construction & Inspection
County of Hawaii

D. Applicability

This permit is required to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises. (See Ordinance for exceptions.)

A separate permit must be obtained for each building or structure.

Only persons holding a valid General Building Contractor's or Plumbing Contractor's License are eligible for this permit.

E. Procedures and Review Criteria

Any person legally entitled to apply for and receive a plumbing permit must make such application on forms provided for that purpose. The application must include a description of the character of the work proposed to be done, and the location, tax map key, ownership, occupancy and use of the premises in connection therewith. The Bureau may require plans, specifications or drawings and such other information as may be deemed necessary.

Applications for plumbing permits for any commercial or industrial building must be accompanied by three sets of drawings. Two sets will be retained by the Department of Public Works and the other set will be returned to the applicant to be kept on such building or work site at all times while the work is in progress.
If the Bureau determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the Plumbing Code, they will issue a permit upon payment of the required fee. (Refer to Ordinance No. 383 for the current fee schedule.)

Every plumbing permit becomes null and void if the work authorized is not commenced within 90 days from the date of issuance, or if the authorized work is suspended or abandoned at any time after the work has commenced for a period of 90 days.

All authorized plumbing work is subject to inspection by the Bureau to insure compliance with all the requirements of the Plumbing Code.

The person doing the work authorized by the permit must notify the Bureau orally or in writing, that said work is ready for inspection. Such notification must be given not less than 48 hours before the work is to be inspected.

Any appeal from the decision of the Department in the administration of the Plumbing Code or any petition for varying the application of the Plumbing Code may be submitted to the Board of Appeals for hearing and determination.

F. Time from Filing to Final Action
ZONE CHANGE

A. Legal Authority

Hawaii County Code, Chapter 8, Article 1, Section 6

B. Rules and Regulations

Refer to County Code, Chapter 8

C. Responsible Agencies

Approved by: Hawaii County Council
County of Hawaii
Planning Commission
County of Hawaii

Reviewed by: Planning Department
County of Hawaii

D. Applicability

A zone change is required whenever any use is proposed for land within a zoning district where that use is not permitted,

Maps showing the zoning districts are on file at the Planning Department.

E. Procedures and Review Criteria

The County Council, Planning Commission, or the owner of the property can initiate zoning changes. For the purpose of this regulation, the term "property owner" includes the holder of a lease interest the expiration of which will occur more than 5 years after the date of filing such zone amendment.

Application for a change of zoning district must be made on a form available at the Planning Department and include:

1. The name and address of applicant and if applicant is not the owner of the property, the owner's signature is required.

2. A description of the property (including tax map key) and a map, drawn to scale, of the property which shows its location in relation to surrounding properties and to known landmarks or improvements.

3. A site plan showing existing and proposed uses.

4. One copy of the appropriate questionnaire.
5. Any other plans or information relating to the proposed change.

There is also a $100 filing fee.

The request is reviewed by the Planning Department and sent to various governmental agencies for their review and comments. In considering the amendment, the Planning Director will consider the purposes of the existing and proposed district and the resultant land use pattern. The Planning Director may deny the proposed amendment or recommend its approval to the County Council.

In the event the Planning Director recommends the approval of the proposal, the proposal will be forwarded to the Planning Commission for its review and recommendation to the County Council. The Commission will hold at least one public hearing on the proposed zone change. The applicant must file a map and description of the property as certified by a surveyor prior to the Planning Commission's filing a report of their findings and action taken to the County Council.

After the conclusion of the hearing, the Planning Commission will approve or disapprove any proposed zone change and will file a report with the County Council within 90 days after receipt of the application.

If the Commission approves the proposal, the County Council will schedule a public hearing within 60 days of receipt of the report. At the conclusion of the hearing, the Council may affirm, reverse, or modify the Planning Commission's decision.

In the event the Planning Commission denies a proposed amendment, the decision is final except that the petitioner has 15 days to appeal in writing to the County Board of Appeals.

F. Time from Filing to Final Action
A. **Legal Authority**

Hawaii County Code, Chapter 8, Article 1, Section 7

B. **Rules and Regulations**

County Code, Chapter 8

Rules Relating to Administrative Procedure, Planning Commission

C. **Responsible Agency**

Issued by: Planning Commission
County of Hawaii

D. **Applicability**

A zoning variance is required when a person wishes to deviate from the provisions of the County Zoning Code, e.g. setback requirements, building height, etc. No variance will be granted to allow a use not otherwise permitted within the zoning district.

E. **Procedures and Review Criteria**

A variance application, available at the Planning Department, is submitted with the following data:

1. Name and mailing address of the applicant and if applicant is not the owner of the property, the owner's signature is required.

2. Description of the property (tax map key).

3. Plot plan of the property, drawn to scale, with all proposed structures shown thereon.

4. Request-Reference to the Zoning Code requirement from which a variance is proposed.

5. Applicant's reasons for requesting a variance showing that the following conditions exist:

   (a) that there are special or unusual circumstances applying to the subject property, building, or use which do not generally apply to surrounding properties or improvements in the same district;
(b) that said special or unusual circumstances exist either to a degree which deprives the owner or applicant of substantial property rights which would otherwise be available or to a degree which obviously interferes with the best use or manner of the development of the subject property;

(c) that the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classifications; and

(d) that the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Codes, will not militate against the County General Plan, and will not materially be detrimental to the public welfare nor be injurious to improvements or property rights related to property in the near vicinity.

There is a nonrefundable filing fee of $100.

The Planning Commission must, within 60 days after filing of an application or a longer period as may be agreed by the applicant, consider the application at a preliminary hearing. The Commission will issue an order denying the application and refund the filing fee, if it determines that the application does not meet the requirements as set forth in the County Charter, Section 5-4.3(g). If the Commission believes that said requirements may possibly be met, it will schedule the application for a public hearing. Said public hearing must be held within 30 days after the preliminary hearing or within such longer period as may be found to be in the public interest.

Notice of the proposed public hearing and its purposes will be published at least twice in a newspaper of general circulation.

The Commission will, within a reasonable time after a duly held public hearing, deny, approve, or defer the application subject to conditions.

The decision of the Planning Commission will be final, subject to appeal within 30 days to the County Board of Appeals.

F. Time from Filing to Final Action
BUILDING PERMIT

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 12

B. Rules and Regulations

Amendment to Chapter 12, Ordinance No. 735, 1972


C. Responsible Agency

Issued by: Building Department
County of Maui

D. Applicability

No person, firm or corporation may erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each building or structure. Refer to Ordinance for exceptions for which a permit is not required.

E. Procedures and Review Criteria

Applications for a building permit must be submitted to the Building Department for review and approval. Each application must be accompanied by 3 sets of plans and specifications. The Building Department will circulate such plans to any other appropriate County or State agency to check compliance with laws and ordinances under their jurisdiction. If the work described in an application for permit and the plans filed therewith conform to the requirements of the Building Code and other pertinent laws and ordinances, the Building Official will issue a permit upon payment of the applicable permit fee.

The building permit must be posted in a conspicuous place on the site during the progress of the work.

Any building permit issued may be revoked if the building or work authorized by such permit is not commenced within 90 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 90 days.

Any building or structure under construction is subject to inspection to verify compliance with approved plans.
F. Time from Filing to Final Action
CONDITIONAL PERMIT

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 8, Article 1, Section 8-1.23

B. Rules and Regulations

Refer to P.O., 1971, Chapter 8

C. Responsible Agencies

Issued by: Planning Commission
County of Maui

Approved by: County Council
County of Maui

D. Applicability

Conditional permits may be issued for uses not specifically permitted within a given use zone district in those particular cases where: (1) the proposed use is similar or related to those uses permitted within the given use zone, or (2) the proposed use is for construction or related purposes and is for a limited period of time.

E. Procedures and Review Criteria

The owner or lessee of the property affected must file a written application for a conditional permit with the Planning Commission, setting forth the nature of the request and the conditions justifying the request. To qualify as a bona fide lessee for this permit, a person must hold a recorded lease which is valid for a period of 5 years or more from the date of filing an application.

Each application must be accompanied by a $35 filing fee.

The Planning Commission conducts a public hearing on all requests for conditional permits. Notice of public hearing is published in a newspaper of general circulation at least 10 days prior to the date of the hearing.

The Commission must render a decision on the request within 45 days from the date of the public hearing.

If the Commission finds that conditions justifying the granting of a conditional permit exist, and that the proposed use will not be detrimental to the public interest and welfare, a conditional permit will be issued. Every permit issued is subject to such terms and conditions and is valid for such period of time as the facts may warrant. Final
approval by the County Council is required.

Should the Commission determine that the conditional permit requested is for a use which is substantially different from those uses permitted in the use zone in which the property is located, and that the proposed use is more closely associated with a different use zone, the applicant will be instructed to seek a change in zoning rather than a conditional permit.

Conditional permits may be revoked by the Planning Commission, after due hearing, if such action is deemed necessary to effectuate the purposes and intent of the zoning ordinance.

F. Time from Filing to Final Action

Approximately 2 to 3 months.
ELECTRICAL PERMIT

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 13

B. Rules and Regulations

Amendment to Chapter 13, Ordinance No. 733, 1972


C. Responsible Agency

Issued by: Department of Public Works
County of Maui

D. Applicability

No person may perform any electrical work or cause or permit the same to be done unless a permit therefore has been obtained from the Department of Public Works. See Ordinance No. 733 for exceptions to this regulation.

A permit may be issued to a supervisory electrician or a journeyman electrician who is an electrical contractor or is employed by an electrical contractor.

E. Procedures and Review Criteria

All applications for permits must be made in writing.

A separate permit must be obtained for each building or structure, except that a permit for a main building may include electrical work for a private garage, shed, or accessory building located on the same premises as the main building and supplied by a feeder or circuit from the main building.

Plans and specifications giving such details of the proposed installation as may be required by the Department must accompany each application. Such plans and specifications must bear the approval of a professional electrical engineer registered in the State of Hawaii, provided that if the demand load of the proposed installation is less than 30 kilo-volt amperes, this requirement will be applicable only if the Department so directs.

If the Director of Public Works is satisfied that the installation described in the application will conform to the provisions of the Electrical Code and all pertinent laws, and the applicable fee has been paid, he will issue a permit.
If the work authorized by a permit is continuously suspended for a period of 90 days from the date of issuance, such permit will thereupon be voided.

Final inspection of all electrical work performed under a permit is required.

F. **Time from Filing to Final Action**
GRUBBING AND GRADING PERMITS

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 24

B. Rules and Regulations

Amendment to Chapter 24, Ordinance No. 816, 1975

C. Responsible Agency

Issued by: Department of Public Works
County of Maui

D. Applicability

Any person wishing to perform any grubbing or grading work must first obtain a permit from the Department of Public Works. However, a grubbing permit is not required for projects for which a grading permit has been issued. Additional exceptions to this requirement are detailed in Section 24-1.3 of the Ordinance.

E. Procedures and Review Criteria

An applicant for a grubbing or grading permit must file a written application with the Department. Each application must:

1. Describe by tax key or street address the land on which the proposed work is to be done.

2. State the estimated dates for the start and completion of the grubbing or grading work.

3. Show the name of the permittee who will be responsible for the correctness of the work and for requesting the inspections required.

Each application for a grading permit must also be accompanied by the following plans and specifications:

1. A plot plan showing the location of the grading, property lines, neighboring public ways and sufficient dimensions and other data to show the location of all work; description of the soil; details and location of proposed land drainage structures, drainage pipes, and retaining walls.
2. In the event the area is more than one acre or a proposed cut or fill is greater than 15 feet in height, in addition to the foregoing, a drainage and erosion control plan prepared by an engineer, showing the scheme for controlling erosion and disposal of runoff water. Plans should indicate the area of bare soil exposed at any one time by construction operations. The permittee must submit the drainage and erosion control plan for the Director of Public Work's approval prior to grading and must include sequence of construction operations.

3. In the event a proposed cut or fill is greater than 15 feet in height or whenever the fill is used to support foundations for buildings, submit an engineer's soils report, to include data regarding the nature, distribution and engineering characteristics of existing soils, the subsurface conditions at the site, and recommending the limits for the proposed grading, the fill material to be used and the manner of placing it, including the height and slopes of cut and fill sections.

An applicant for a grubbing permit must furnish a plot plan showing the location, the property boundaries, the measures to prevent dust and soil erosion by wind and water and any other information as may be required by the Director.

Prior to issuing a permit, the Director will collect a permit fee based on the volume of material to be filled or excavated.

If the Director finds that the proposed grading is likely to pose a threat to life, limb, or property, he may require the applicant to file a performance bond for the benefit of Maui County. Factors to be considered in determining whether a bond is required are the location of the proposed work and the quantity and type of material to be excavated or filled. The amount of the bond will be based upon the number of cubic yards of material in either excavation or fill, whichever is the greater volume.

Every grubbing and grading permit is good for one year from the date of issuance.

All operations for which a permit has been issued are subject to inspection. The permittee must notify the Director at least 2 days before the permittee or his agent begins any grading or grubbing.

Any action of the Director of Public Works in the administration of this Ordinance can be appealed to the County's Grading Board of Appeals.

F. Time from Filing to Final Action
PERMIT TO EXCAVATE COUNTY HIGHWAYS, ETC.

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 21, Article 4

B. Rules and Regulations

Refer to P.O., 1971, Chapter 21

C. Responsible Agency

Issued by: Department of Public Works
County of Maui

D. Applicability

No person, firm or corporation may in any manner or for any purpose, break up, dig up, disturb, undermine or dig under any County public highway, street, sidewalk, or other public place under the control of the County of Maui, without having first obtained a written permit therefor from the Department of Public Works. Furthermore, the Chief of Police or his authorized representative must be notified at least 8 hours prior to the commencement of such work.

E. Procedures and Review Criteria

Any person, firm or corporation desiring this permit must submit an application to the Department of Public Works.

The applicant must also file a sketch showing the location of each proposed excavation or opening and the dimensions thereof, including the surface area of said opening in paving, sidewalk or other structure to be installed therein, and such other details and information as the Director of Public Works may require.

As a condition precedent to the issuance of a permit, the Director may require the applicant to give a bond in favor of the County to protect it against any and all claims for damages due to, or caused by, any work done under said permit.

The Director may also require a performance bond in favor of the County, which will be a cash bond, surety company bond or personal surety bond, as the Director may require, and will be 5 percent of the estimated cost of backfilling of material and the cost of any restoration work to be done by the County.

Standard specifications outlining procedures to be followed in excavating and backfilling openings in County highways will be furnished to any applicant upon request.
F. Time from Filing to Final Action
PLUMBING PERMIT

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 14

B. Rules and Regulations

Amendment to Chapter 14, Ordinance No. 734, 1972


C. Responsible Agency

Issued by: Department of Public Works
County of Maui

D. Applicability

A plumbing permit is required to install, remove, alter, repair, or replace any plumbing, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment.

Only persons holding a plumbing contractor's license may be issued a permit.

E. Procedures and Review Criteria

Any person legally entitled to apply for and receive a permit must make such application on forms available at the Department of Public Works. The application must give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith.

Two sets of drawings must accompany each application for a plumbing permit.

If the Director of Public Works determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the Plumbing Code, he will issue the permit upon payment of the required fee. (See Section 1.12 of the Ordinance for the fee schedule.)

Every permit issued will expire by limitation if the work authorized by such permit is not commenced within 90 days from the date of issuance, or if the work authorized by such permit is suspended at any time after the work is commenced for a period of 90 days, provided, however, in the event of strikes or other causes beyond the control of the applicant, the Director may extend the deadline.
All construction authorized by a plumbing permit is subject to final inspection. The person doing the work must notify the Department in writing at least 48 hours before the work is to be inspected.

F. Time from Filing to Final Action
ZONE CHANGE

A. Legal Authority

The Permanent Ordinances of the County of Maui 1971, Chapter 8, Article 1, Section 8-1.21

B. Rules and Regulations

Refer to P.O., 1971, Chapter 8

C. Responsible Agencies

Approved by: Planning Commission
County of Maui

County Council
County of Maui

D. Applicability

Any owner or lessee of real property wishing to change the designation of a use zone district must apply. For the purposes of this section, a lessee must hold a recorded lease which will be valid for more than 5 years from the date of filing of any zone change application.

E. Procedures and Review Criteria

An application for a zone change must be filed with the Planning Commission, provided that no application will be considered unless the owners and lessees of all land situated within a distance of 500 feet from the property to be rezoned are notified by the applicant by certified or registered mail.

The application must include the following:

1. Evidence that the applicant is the owner or lessee of the property to be rezoned.

2. Legal description and map,

3. The change requested.

4. Evidence that the owners and lessees of all property within the 500 foot zone have been notified,

5. A fee of $35.00 to cover the cost of the public hearing.
The Commission will conduct a public hearing on the change requested. After completion of the hearing, the Commission will submit to the County Council a report together with its recommendations.

The County Council may approve or deny a requested zone change. Furthermore, the Council may impose conditions upon the applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of an ordinance effecting such zone change.

F. Time from Filing to Final Action
A. **Legal Authority**

The Permanent Ordinances of the County of Maui 1971, Chapter 8, Article 1, Section 8-1.22

B. **Rules and Regulations**

Refer to P.O., 1971, Chapter 8

C. **Responsible Agency**

Approved by: Board of Adjustment and Appeals
County of Maui

D. **Applicability**

A zoning variance is required when a person wishes to deviate from certain requirements of the County Zoning Code.

E. **Procedures and Review Criteria**

The owner or lessee of the property must file a written application for a variance setting forth: (1) the nature of the variance requested, (2) the regulation affecting such request for variance, and (3) the conditions and circumstances justifying the granting of a variance.

In cases involving a leased property, the lessee must hold a recorded lease which will be valid for at least 5 years from the date of filing the variance application.

The Board of Adjustment and Appeals determines what effect the requested variance may have on adjacent properties.

If it is warranted, a public hearing on the variance request is scheduled and a notice of public hearing is published in a newspaper of general circulation at least 10 days prior to the date of the hearing. The applicant must submit a $35 filing fee to cover the cost of the hearing.

In cases where the Board determines that the request will not significantly affect neighboring properties, a hearing will not be required and no filing fee will be collected.

Variance requests may be granted in instances where:

1. There is an exceptional, unique or unusual physical or geographical condition existing on the property which is not generally prevalent in the neighborhood of surrounding area;
2. Strict compliance with the provisions of the ordinance would prevent reasonable use of the lot and create practical difficulty or unusual hardship to the owner or lessee; and

3. The conditions creating such hardship were not the result of previous action by the applicant.

Upon a finding by the Board that the conditions justifying a variance exist, and further that the relief requested would not be detrimental to the public interest, a variance may be granted subject to such terms and conditions and for such period of time as the Board may deem appropriate.

All actions of the Board of Adjustment and Appeals are final.

F. Time from Filing to Final Action

The Board must act to approve or disapprove requests within 45 days after the time of filing of said requests. When the requests presented require a public hearing, action by the Board must be within 60 days after the time of filing of said requests.