

Chapter 30

WATER MANAGEMENT

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Article 1. General Provisions

Sections:

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Sec. 30-1.1 Purpose.

- (a) The state water code (HRS Chapter 174C) mandates the preparation and adoption of a water use and development plan by each county as part of the Hawaii water plan. In adopting the plan, the City and County of Honolulu recognizes that water is a limited resource, the development and use of which must be carefully planned.
- (b) The water use and development plan for the City and County of Honolulu, which is called the Oahu water management plan (OWMP), is intended to fulfill the requirements set forth by the state water code.
- (c) The OWMP consists of overall policies and strategies and regional watershed management plans, which guide the activities of the City and County of Honolulu and advises the state commission on water resource management in the areas of planning, management, water development and use and allocation of Oahu's limited water resources.

(Added by Ord. 90-62; Am. Ord. 10-17)

Sec. 30-1.2 Definitions.

Whenever used in this chapter, unless the context otherwise requires:

"Board" means the board of water supply of the City and County of Honolulu.

"City" means the City and County of Honolulu.

"Commission" means the commission on water resource management.

"Department" means the department of planning and permitting of the City and County of Honolulu.

"Development plans" means the development plans of the City and County of Honolulu as defined by Revised Charter

Section 6-1509.

"Domestic use" means any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening and sanitation.

"General plan" means the general plan of the City and County of Honolulu as defined by Revised Charter Section 6-1508.

"Groundwater" means any water found beneath the surface of the earth, whether or not in perched, dike confined or basal supply; in underground channels or streams; in standing, percolating or flowing condition; or under artesian pressure.

"Hawaii water plan" means the integrated program of the commission for the protection, conservation and management of the waters of the state, with such amendments, supplements and additions as may be necessary, mandated by the state water code.

"Municipal use" means the domestic, industrial and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort and safety, for the protection of property from fire, and for domestic use.

"Oahu water management plan" ("OWMP") means the water use and development plan mandated by the state water code and collectively reflected in islandwide water management policies and strategies in Article 2, and regional watershed management plans in Article 2A and thereafter.

"State water code" means HRS Chapter 174C.

(Added by Ord. 90-62; Am. Ord. 96-58, 10-17)

Sec. 30-1.3 Consistency requirements.

The Oahu water management plan shall be consistent with (a) the water resource protection and water quality plans of the Hawaii water plan; (b) city land use plans and policies including the general plan, development plans and zoning; and (c) state land use classification and policies. (Added by Ord. 90-62; Am. Ord. 10-17)

Sec. 30-1.4 Preparation and adoption of regional watershed management plans.

In conjunction with the board, the department shall be responsible for the preparation of the regional watershed management plans for the Oahu water management plan. The regional watershed management plans shall be adopted by ordinance. (Added by Ord. 90-62; Am. Ord. 10-17)

Sec. 30-1.5 Interim plan in areas not yet subject to a regional watershed management plan.

In areas where a regional watershed plan has not been adopted, Articles 1, 2, and 3 of this chapter and the Technical Reference Document for the Oahu Water Management Plan, dated March 1990, shall serve as the water use and development plan. (Added by Ord. 90-62; Am. Ord. 10-17)

Sec. 30-1.6 Revisions.

The department, working in conjunction with the board, shall be responsible for the preparation of updates to the regional watershed management plans. Each regional watershed management plan shall be updated, at a minimum, in tandem with the respective development plan/sustainable communities plan. Updates shall be adopted by ordinance. (Added by Ord. 90-62; Am. Ord. 91-61, 10-17)

Article 2. Oahu Water Management Policies and Strategies

Sections:

- 30-2.1 Intent.**
- 30-2.2 Water management policies.**
- 30-2.3 Water management strategies.**

Sec. 30-2.1 Intent.

The Oahu water management plan is intended to ensure:

- (a) The optimum utilization of the existing water supply in order to minimize the need for the development of additional potable groundwater sources;
 - (b) The preservation of the aquifers for the benefit of future generations, in perpetuity, by proper management of Oahu's groundwater sources;
 - (c) The timely development of additional potable groundwater sources and alternative sources to provide for additional consumer demand;
 - (d) That growth in consumer demand will be compatible with available water supply.
- (Added by Ord. 90-62)

Sec. 30-2.2 Water management policies.

- (a) This section sets forth the policies for water use and development within each development plan area. These are established in recognition of the vital role of water in supporting land use activities on the island of Oahu. Potable groundwater is the premium water resource on Oahu because over the long term it is the most economical to develop and requires no treatment, but this resource is finite in nature and the limit of feasibly developed potable water sources is rapidly being approached.
- (b) These policies shall apply to all city agencies in the performance of their powers, duties and functions as related to both public and private development.
- (c) In addition, all city actions in regard to the use and commitment of water resources to meet existing or projected demands on the public water system on the island of Oahu shall be guided by the board of water supply's Oahu water plan.
 - (1) Policy One. Facilities for the provision of water shall be based on the general plan population projections and the land use policies contained in the development plans and depicted on the development plan land use maps.
 - (2) Policy Two. System flexibility shall be maintained to facilitate the provision of an adequate supply of water consistent with planned land uses. The municipal water system shall be developed and operated substantially as an integrated islandwide water system.
 - (3) Policy Three. Close coordination shall be maintained between federal, state and county agencies which are involved in the provision or management of water to ensure optimal distribution of the available water supply.
 - (4) Policy Four. The quality and integrity of the water supply shall be maintained by providing for the monitoring and protection of the water supply in accordance with the requirements of the state water code.
 - (5) Policy Five. The development and use of nonpotable water sources shall be maximized in a manner consistent with the protection of the groundwater quality.
 - (6) Policy Six. Water conservation shall be strongly encouraged.
 - (7) Policy Seven. Alternative water sources shall be developed wherever feasible to ensure an adequate supply of water for planned uses on Oahu.

(Added by Ord. 90-62)

Sec. 30-2.3 Water management strategies.

- (a) Based on the findings and projections in the Oahu water management plan, provisions for an adequate supply of water to meet islandwide needs for at least twenty years shall be addressed. This shall be determined after evaluating the anticipated demand for water use from municipal, agricultural, military and private users; the available remaining groundwater which can be safely developed; the planned and proposed water source development projects; and alternative water development projects under way.
- (b) Based on these findings, the plan or strategy for water management shall be to continue to develop available groundwater sources but to preserve as much of the groundwater supply as possible, through the more efficient use of the existing water supply, an ongoing water conservation program and by the continued development of alternative sources of water.
- (c) The following strategies shall be applied in the development and use of water resources on Oahu:
 - (1) Strategy One. Develop water resources in consonance with the general plan population projections and the land use policies contained in the development plans and depicted on the development plan land use maps. Priority shall be given to affordable housing projects shown on the development plan land use maps or processed under HRS Chapter 201E.

- (2) Strategy Two. Continue to safely develop the remaining available groundwater in accordance with the requirements of the state water code.
 - (A) Substrategy A. The commission should continue to refine the accuracy of the sustainable yields in the water resources protection plan at the aquifer level to better guide decisions regarding future exploration and development of water sources.
 - (B) Substrategy B. The commission, in consultation with the board, should formulate a plan for the future exploration, monitoring and development of groundwater resources based on the identified sustainable yields.
- (3) Strategy Three. Use surface water more effectively and efficiently.
 - (A) Substrategy A. The commission should compile an inventory of surface water use on Oahu for the purpose of determining existing use and projecting future use, given the present lack of information.
 - (B) Substrategy B. The commission should certify the unreported and undetermined quantities of surface water use in windward Oahu as part of its water registration program.
- (4) Strategy Four. Continue to refine the near and long-term projections of agriculture on the island to more accurately project the future net release of water currently committed to agricultural use.
 - (A) Substrategy A. The state department of agriculture should inventory and project diversified agriculture including the irrigated acreage, method of irrigation, source of water and the quantity and quality of water use.
 - (B) Substrategy B. The commission should seek to establish the necessary commission procedures to more readily transfer water allocations from agricultural to municipal use, especially where urban or other agricultural uses replace sugarcane lands.
- (5) Strategy Five. Maintain an ongoing water conservation program through the board, using such approaches as pricing, public information, educational programs, water saving devices, and use restrictions and allocations.
- (6) Strategy Six. Develop and use nonpotable water sources, wherever feasible, for the irrigation of agricultural crops, parks and golf courses, landscaping and for certain industrial uses.
 - (A) Substrategy A. Support the exchange of nonpotable water, wherever feasible, for potable water which is being used for irrigation to preserve more of Oahu's potable supply for domestic use.
 - (B) Substrategy B. Pursue opportunities to blend brackish water with potable water to produce a greater supply of potable water.
 - (C) Substrategy C. Support and pursue the reuse of treated wastewater effluent for irrigation or groundwater recharge wherever feasible.
- (7) Strategy Seven. Continue efforts to develop economical methods of demineralizing brackish water and desalting seawater.
 - (A) Substrategy A. Support the demonstration and expansion of the state's desalinization pilot project.
 - (B) Substrategy B. Continue research to develop more economical methods for desalting seawater for municipal purposes (e.g., an open cycle method of ocean thermal energy conversion or OTEC).

(Added by Ord. 90-62; Am. Ord. 10-17)

Article 2A. Waianae Watershed Management Plan

Sections:

- 30 2A.1 Applicability.**
- 30-2A.2 Adoption of the Waianae watershed management plan.**
- 30-2A.3 Conflicting provisions.**

Sec. 30 2A.1 Applicability.

This article applies to the Waianae district, which is described in the Waianae watershed management plan. This article supplements Article 2 with respect to the Waianae district. (Added by Ord. 10-17)

Sec. 30-2A.2 Adoption of the Waianae watershed management plan.

Pursuant to Hawaii Revised Statutes Chapter 174C, the plan entitled "Waianae Watershed Management Plan," dated August 2009, attached to this ordinance as Exhibit A-1, is hereby adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A-1 need not be included in this code. (Added by Ord. 10-17)

Sec. 30-2A.3 Conflicting provisions.

Any provision contained in this article shall, with respect to the Waianae district, prevail should there be any conflict with any other provisions of Article 1 or 2 of this chapter. (Added by Ord. 10-17)

Article 2B. Ko'olau Loa Watershed Management Plan

Sections:

- 302B.1 Applicability.**
- 30-2B.2 Adoption of the Ko'olau Loa watershed management plan.**
- 30-2B.3 Conflicting provisions.**

Sec. 30 2B.1 Applicability.

This article applies to the Ko'olau Loa district, which is described in the Ko'olau Loa watershed management plan. This article supplements Article 2 with respect to the Ko'olau Loa district. (Added by Ord. 10-18)

Sec. 30-2B.2 Adoption of the Ko'olau Loa watershed management plan.

Pursuant to Hawaii Revised Statutes Chapter 174C, the plan entitled "Ko'olau Loa Watershed Management Plan," dated August 2009, attached to this ordinance as Exhibit A-1, is hereby adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A-1 need not be included in this code. (Added by Ord. 10-18)

Sec. 30-2B.3 Conflicting provisions.

Any provision contained in this article shall, with respect to the Ko'olau Loa district, prevail should there be any conflict with any other provisions of Article 1 or 2 of this chapter. (Added by Ord. 10-18)

Article 2C. Ko'olau Poko Watershed Management Plan

Sections:

- 30-2C.1 Applicability.**
- 30-2C.2 Adoption of the Ko'olau Poko watershed management plan.**
- 30-2C.3 Conflicting provisions.**

Sec. 30-2C.1 Applicability.

This article applies to the Ko'olau Poko district, which is described in the Ko'olau Poko watershed management plan. This article supplements Article 2 with respect to the Ko'olau Poko district. (Added by Ord. 12-30)

Sec. 30-2C.2 Adoption of the Ko'olau Poko watershed management plan.

Pursuant to Hawaii Revised Statutes Chapter 174C, the plan entitled "Ko'olau Poko Watershed Management Plan," dated February 2012, attached to this ordinance as Exhibit A, is hereby adopted and by reference is incorporated herein as a regional watershed management plan for Oahu. Exhibit A need not be included in this code. (Added by Ord. 12-30)

Sec. 30-2C.3 Conflicting provisions.

Any provision contained in this article shall, with respect to the Ko'olau Poko district, prevail should there be any conflict with any other provisions of Article 1 or 2 of this chapter. (Added by Ord. 12-30)

Article 3. Severability

Sections:

- 30-3.1 Severability.**

Sec. 30-3.1 Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Added by Ord. 90-62)

Article 4. Water Conservation Measures*

[***Editor's Note:** According to Section 5 of Ordinance 92-01: "Within one year of the effective date (January 16, 1992) of this Ordinance, the Board of Water Supply shall prepare and submit to the City Council a water conservation plan for residential properties. The plan shall include but not be limited to, the manner in which existing residential structures shall be retrofitted with water-saving toilets, urinals, showerhead, and lavatory and kitchen faucets. The plan may include proposals for incentives to encourage home owners to install water-saving devices and fixtures in their homes."]

Sections:

- 30-4.1 Definitions.**
- 30-4.2 Water closets and showerhead requirements.**
- 30-4.3 Exception.**
- 30-4.4 Enforcement.**
- 30-4.5 Rules and regulations.**
- 30-4.6 Exemption for low-consumption properties.**
- 30-4.7 Rebate program established.**

Sec. 30-4.1 Definitions.

For the purposes of this article:

"Administrative authority" means the same as is defined in Section 19-2.1.

"Authorized agent" means a person, as defined in HRS Section 514A-3, who is authorized to act on behalf of the owner of residential property.

"Director" means the director of budget and fiscal services.

"Hotel" means the same as is defined in Article 9 of Chapter 21.

"Low-flow kitchen faucet, lavatory faucet and showerhead" means a kitchen faucet or showerhead with flow control devices that limit the faucet's or showerhead's maximum flow rate to 2.5 gallons per minute and a lavatory faucet with flow control devices that limit the lavatory faucet's maximum flow rate to 2.0 gallons per minute.

"Low-flush urinal" means a urinal with volume limiting devices or methods which limit the discharge to one gallon per flush.

"Nonresidential property" or "nonresidential properties" means property improved with hotels or with industrial or commercial buildings.

"Residential property" or "residential properties" means property other than nonresidential property or nonresidential properties.

"Ultra-low flush toilet" means a tank-type water closet or a flushometer valve toilet with volume-limiting devices or methods which limit the discharge to 1.6 gallons per flush.

"Water-saving toilets" means ultra-low flush toilets and low-flush urinals.

(Added by Ord. 92-01; Am. Ord. 92-109, 94-32, 00-05)

Sec. 30-4.2 Water closets and showerhead requirements.

- (a) All nonresidential properties shall be equipped with low-flow kitchen faucets, lavatory faucets, and showerheads within one year of the effective date of this section.
- (b) Except as provided in Section 30-4.3, and unless granted an extension of time by the building board of appeals pursuant to subsection (d), all nonresidential properties shall be equipped with ultra-low flush toilets by January 1, 1998, and low-flush urinals within two years of the effective date of this section; provided that if a nonresidential property is equipped with wall-mounted flushometer toilets with blowout action, such toilets need not be replaced with ultra-low flush toilets; and provided further that nonresidential properties shall be exempt from the requirement to be equipped with ultra-low flush toilets if they qualify for an exemption under Section 30-4.6.
- (c) The administrative authority shall allow extensions of time for good cause shown. A nonresidential property may be granted an extension of time to install low-flow kitchen faucets, lavatory faucets, and showerheads of up to six months after the deadline specified in subsection (a), and may be granted an extension to install ultra-low flush toilets and low-flush urinals of up to six months after the deadline specified in subsection (b).
- (d) The owner or operator of a nonresidential property may appeal a decision of the administrative authority:
 - (1) Denying any extension of time for the installation of low-flow kitchen faucets, lavatory faucets, and showerheads or ultra-low flush toilets and low-flush urinals; or
 - (2) Granting an extension that is less than what the owner or operator had requested.Appeals by an owner or operator shall be to the building board of appeals. The board may grant an extension of time if it finds that the time period appealed from poses an undue hardship, provided that the total time of compliance shall not exceed two years for low-flow kitchen faucets, lavatory faucets, and showerheads and three years for low-flush urinals; and provided further that for ultra-low flush toilets, the total time for compliance shall not extend beyond January 1, 1999.
- (e) Owners or operators of nonresidential properties which, prior to the effective date of this article, have already installed low-flow kitchen faucets, lavatory faucets, and showerheads and ultra-low flush toilets and low-flush urinals which meet the water flow standards of this article, and dual-flush mechanisms for toilets which accomplish the purpose and objective of this article, as determined by the board of water supply, shall be exempt from the application of this article. The board of water supply shall adopt rules governing such exemptions in accordance with HRS Chapter 91.

(Added by Ord. 92-01; Am. Ord. 92-109, 94-28)

Sec. 30-4.3 Exception.

- (a) A nonresidential property shall not be required to comply with the requirements of Section 30-4.2(b) if the administrative authority determines, upon application of the property owner or operator, that the age, condition, or type of plumbing system of such nonresidential property would prevent the proper functioning of water-saving toilets. Should the administrative authority determine that the applicant's plumbing system does not prevent the proper functioning of water-saving toilets, the applicant may appeal that decision in accordance with subsection (c). In the event the owner or operator does not appeal the decision, water-saving toilets shall be installed on such owner's or operator's nonresidential property within the time period provided in Section 30-4.2(b) or within six months of the administrative authority's decision, whichever is later.
- (b) If the administrative authority determines that the applicant's plumbing system does prevent the proper functioning of water-saving toilets, the nonresidential property owner or operator shall prepare a water conservation plan within six months of the date of that determination. That plan shall provide for the conservation of water by the nonresidential property in an amount not less than the amount of water that would be conserved, over an equal period of time, through the installation of water-saving toilets on such nonresidential property. The plan shall be submitted to the administrative authority for approval. The administrative authority, in consultation with the board of water supply, shall either approve or deny the water conservation plan. If the administrative authority approves the plan, the plan shall be in lieu of compliance with Section 30-4.2(b) and the nonresidential property owner or operator shall implement the plan within the time period provided in Section 30-4.2(b), or within six months of the administrative authority's decision, whichever is later. If the administrative authority denies the water conservation plan, the nonresidential property owner or operator may appeal the decision in accordance with subsection (c). In the event the owner or operator does not appeal the administrative authority's decision, water-saving toilets shall be installed on such owner's or operator's property within the time period provided in Section 30-4.2(b) or within six months of the administrative authority's decision, whichever is later.
- (c) Any appeal from the decision of the administrative authority shall be made to the building board of appeals within 30 days of the date of the administrative authority's decision. The building board of appeals shall render a decision within 120 days of the date of the appeal. If the building board of appeals does not render a decision on an appeal made pursuant to subsection (a) or (b) within 120 days, the nonresidential property owner or operator shall prepare and implement a water conservation plan in lieu of installing water-saving toilets, or, if a plan has already been prepared, the owner or operator shall implement such plan. The nonresidential property owner or operator shall prepare and/or implement the plan within six months after the end of such 120-day period, or, if the board decides in favor of such owner or operator, within the time period specified in Section 30-4.2(b) or within six months after the date of the board of appeal's decision, whichever is later.

If the building board of appeals denies the appeal, the owner or operator shall install water-saving toilets on the owner's or operator's nonresidential property within the time period specified in Section 30-4.2(b) or within six months of the board's decision, whichever is later.

(Added by Ord. 92-01)

Sec. 30-4.4 Enforcement.

- (a) The administrative authority shall have the same right of entry as provided in Section 19-2.3 to enforce the requirements of this article.
- (b) All violations of this article shall constitute violations under Chapter 19, Article 6, and shall be enforced in the same manner as provided therein.

(Added by Ord. 92-01)

Sec. 30-4.5 Rules and regulations.

Subject to HRS Chapter 91, the administrative authority may adopt rules and regulations having the force and effect of law for the implementation, administration and enforcement of this article.

(Added by Ord. 92-01)

Sec. 30-4.6 Exemption for low-consumption properties.

- (a) Nonresidential properties that consume an average of 15,000 gallons of water per month or less in calendar year 1996 shall be exempted from the requirement to be equipped with ultra-low flush toilets under Section 30-4.2(b).
- (b) If a nonresidential property with an exemption under subsection (a) consumes more than 15,000 gallons of water per month, on the average, during any calendar year after 1996, that nonresidential property shall be equipped with ultra-low flush toilets within the calendar year following the year in which the property's water consumption exceeded 15,000 gallons per month.
- (c) The building department shall annually determine if nonresidential properties granted an exemption under subsection (a) still qualify for that exemption.

(Added by Ord. 94-28; Am. Ord. 94-67)

Sec. 30-4.7 Rebate program established.

- (a) Rebate Program. An owner or authorized agent of residential property who has purchased and installed an ultra low flush toilet or toilets to replace an existing nonultra low flush toilet or toilets after June 9, 1998,* [*Editor's Note: "June 9, 1998" is substituted for "the effective date of this ordinance" (Ord. 98-26).] and whose property is connected to the city's sewer or water system, shall, upon proper application, be entitled to a rebate from the city. For each ultra low flush toilet purchased and installed, the owner or authorized agent shall be entitled to a rebate of \$100.00. Annual appropriations shall be made by the council from monies deposited in the sewer fund established in Chapter 14, Article 8, to fund this program.
- (b) Administration.
 - (1) Unless the board of water supply agrees to administer the rebate program established by this section, the department of budget and fiscal services shall administer the rebate program.
The director shall prescribe the appropriate form or forms for rebate claims. The director shall require proof that each ultra low flush toilet has been purchased and installed by the applicant, which shall include copies of the receipt for the purchase of each ultra low flush toilet, a paid invoice from the licensed plumbing contractor for the installation of the ultra low flush toilet and, if the combined cost of the toilet or toilets and installation exceeds \$1,000.00, the building permit. The applicant may refuse to provide copies of the proof of purchase and installation. However, upon such refusal, the director may deny the rebate. Notwithstanding any other provision to the contrary, there shall be no appeal from the decision of the director to deny the rebate due to a refusal by an applicant to provide proof of purchase and installation.
 - (2) The director shall determine whether an applicant qualifies for a rebate pursuant to this section upon review and verification of each application. The director shall notify each applicant whose application for a rebate has been denied within 30 days of such determination.
 - (3) If the director determines that the applicant qualifies for a rebate, and provided that monies are available from the appropriations for the rebate program to pay the amount for which the applicant qualifies, the director shall issue or cause to be issued a warrant in the amount of the approved sum in the name of the applicant.
- (c) Authorizing the Board of Water Supply to Administer the Program. Pursuant to a written agreement with the board of water supply, the director may authorize the board of water supply to administer and provide a portion of the funding for the rebate program. The agreement may specify that the board will prescribe the form of the rebate claim, and any additional proof required in order for the applicant to qualify for the rebate beyond that specified as and appeal process for denial of the rebate. If the board of water supply agrees to administer and fund a portion of the rebate program, it may seek reimbursement from the director for a portion of the cost of the rebate, from monies appropriated for that purpose by the council. If the board decides to terminate its administration of this rebate program, the department of budget and fiscal services shall again administer the program.
- (d) Termination of Program. This rebate program shall terminate on July 1, 2008. The director shall not accept applications for the rebate program after the termination date of the rebate program. However, the director may issue warrants for rebates up to one year from the termination date on applications received by the director prior to said termination date, provided that monies are available to make rebate payments.
- (e) Appeal. The director shall, pursuant to the provisions of HRS Chapter 91, establish appeal procedures for rebate applications which have been denied on a basis other than the refusal to provide proof of purchase and installation as required under subsection (b)(1).
- (f) Penalties. Any person who files a fraudulent application or attests to any false statement, who aids or abets the filing of a fraudulent application, who conspires with an applicant to defraud the city, or who in any manner intentionally deceives or

attempts to deceive the city in order to receive a rebate for ultra low flush toilets, shall be fined no more than \$1,000.00, imprisoned for not more than six months, or both.
(Added by Ord. 94-32; Am. Ord. 98-26, 00-05, 01-52, 02-46)

Article 5. Medication in Drinking Water

Sections:

- 30-5.1 Prohibition.**
- 30-5.2 Product safety.**
- 30-5.3 Severability.**

Sec. 30-5.1 Prohibition.

No person shall add any product, substance, or chemical to the public water supply, except federally owned and operated water systems, such as military facilities, for the purpose of treating or affecting the physical or mental functions of the body of any person, rather than to make the water safe or potable. This prohibition shall not apply to water treatment chemicals used to make the water potable and safe to drink, such as chlorination and anticorrosion chemical to reduce lead. (Added by Ord. 04-01)

Sec. 30-5.2 Product safety.

Should any state law mandate using the drinking water system to dispense medication for treating the physical or mental function of a person's body, the chemical additive used shall meet the following quality control and safety requirements:

- (1) All chemical additives purchased shall be pharmaceutical grade or equivalent; industrial grade chemical additives shall not be used.
- (2) The chemical additive shall not contain any contaminants which would exceed the maximum contaminant level goals established by (A) the U.S. Environmental Protection Agency or (B) the State of Hawaii department of health, whichever is lower.
- (3) The chemical additive shall not increase corrosion of the water piping system material components or increase leaching of heavy metals such that another chemical additive will be required to minimize corrosion.
- (4) The chemical additive shall have been tested and approved for safety and effectiveness by the U.S. Food and Drug Administration.
- (5) The chemical additive shall have been tested using the following additional safety tests if not already done by the U.S. Food and Drug Administration.
 - (A) The chemical additive shall have been tested for safety using worst-case conditions for any contaminants allowed by specifications with a safety factor to cover all ranges of unrestricted consumption.
 - (B) If the chemical additive, in combination with body minerals, becomes a thermoluminescent phosphor material which is known to become electrically charged when exposed to radiation and X-rays, testing shall have been done to determine any adverse effects. Thermoluminescent phosphor material examples are calcium fluoride, lithium fluoride, lithium bromide, and calcium sulphate.

(Added by Ord. 04-01)

Sec. 30-5.3 Severability.

Section 30-3.1 shall apply to this article. (Added by Ord. 04-01)