

## APPENDIX HAWAII-6

**Grading Permit  
Hawaii County  
Public Works Department  
Engineering Division**

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**Permit Packet Includes:**

1. Process Overview
2. Hawaii County Grading Permit Application
3. Grading Permit Frequently Asked Questions
4. Clean Water Branch Letter dated 2003
5. Hawaii County Code, Chapter 10 (See **Appendix HCC – Chapter 10**)

**Approval or Permit Required:** To perform any one of the following activities that (1) exceeds 100 cubic yards of excavation or fill; (2) a vertical height of excavation or fill measured at its highest point that exceeds 5 feet; or (3) when the general and localized drainage pattern with respect to abutting property lines is altered.

**Contact Information:** Aupuni Center, 101 Pauahi Street, Suite 7  
Hilo, HI 96720-4224  
Phone: 808-961-8327

**Website:** [http://www.co.hawaii.hi.us/directory/dir\\_pubworks.htm](http://www.co.hawaii.hi.us/directory/dir_pubworks.htm) and  
<http://www.co.hawaii.hi.us/forms/dpweng.html>

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## APPENDIX HAWAII-6

### Grading Permit Hawaii County Public Works Department Engineering Division

#### Steps

1. Complete and submit the "Grading Permit" application. Also meet requirements in the "Clean Water Letter" and Hawaii County Code Chapter 10.

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2. Public Works Department accepts, accepts with modification, or denies permit.

**(Timeline Not Available)**

| Fees  | Amount                    | Maximum   |
|---|---------------------------|---|
| <p>Fees are based on the volume of excavation or fill, whichever is greater, according to the following schedule:</p> <p><u>Volume of Material:</u><br/>                     0 — 100 cubic yards .....</p> <p>101 — 1,000 cubic yards .....</p> <p>1,001 — 10,000 cubic yards .....</p> <p>10,001 cubic yards or more .....</p> | <p>\$ 5</p>               | <p>\$5 for the first 100 cubic yards plus \$2 for each additional 100 cubic yards or fraction thereof.</p> <p>\$25 for the first 1,000 cubic yards plus \$2 for each additional 1,000 cubic yards or fraction thereof.</p> <p>\$41 for the first 10,000 cubic yards plus \$2 per 1,000 cubic yards or fraction thereof.</p> |
| <b>Total Fees:</b>  | <b>\$ 5<br/>(minimum)</b> | <b>Varies<br/>(maximum)</b>   |

County of Hawaii  
DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

75-5706 Kuakini Hwy,  
Kailua-Kona, HI 96740

Aupuni Center  
101 Pauahi St. Suite 7  
Hilo, HI 96720

GRADING PERMIT NO. \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Check only - payable to:  
**COUNTY DIRECTOR OF FINANCE**

Owner: \_\_\_\_\_

Phone: \_\_\_\_\_

Civil Eng./ Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

License No.: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

License No.: \_\_\_\_\_

Location: \_\_\_\_\_

Tax Map Key: (3) \_\_\_\_\_

Cut (CY): \_\_\_\_\_

Parcel Area (acre): \_\_\_\_\_

Area to be Graded (acre): \_\_\_\_\_

Disposal Site: \_\_\_\_\_

Estimated Starting Date: \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_

Fill (CY): \_\_\_\_\_

(minimum 2 working days after issuance date)

Borrow Site: \_\_\_\_\_

Remarks:

**Applicants should follow steps 1 through 3. Please mail or hand-deliver to DLNR.**

**1. State Department of Land and Natural Resources (DLNR)- Historic Preservation Division**

933-7653 (Hawaii Island) 40 Pookela Street, Hilo, HI 96720

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

**2. Planning Department**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

**3. Department of Public Works (Permits can be approved by Kona or Hilo offices)**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved for Permit Issuance \_\_\_\_\_ Date \_\_\_\_\_

**I hereby certify that all work as requested above will conform to Chapter 10 of the Hawaii County Code.**

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**Return to the Department of Public Works, Engineering Division, upon completion of work.**

Certification Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

(DPW inspector/ engineer)

County of Hawaii  
Department of Public Works

Grading Permit  
INSTRUCTIONS TO THE APPLICANT

1. The Applicant is responsible for obtaining all signatures. Approvals shall be obtained in the sequence one (1) to three (3). No work can begin until the application is signed by the Department of Public Works.
2. Work will be done in accordance with Chapter 10 – Erosion and Sedimentation Control, of the Hawaii County Code, and as shown on the approved plans.
3. The Applicant must provide three (3) sets of grading plans to the Department of Public Works. Plans must include: the existing and proposed contours, erosion and sediment control measures, limits of grading providing the proper setbacks from the property lines, location of any structures or easements, and any drainage patterns or devices.
4. The Applicant should call the Historic Preservation Division (808-933-7653 Hawaii Island) and the Planning Department (808-961-8288 Hawaii Island) for a list of their requirements.
5. The issued permit is null and void if authorized work does not commence within ninety (90) days of the issued date, or is not completed within one (1) year of the issuance date.

**Hawaii County Code**  
**Chapter 10, Erosion and Sedimentation Control**

**FREQUENTLY ASKED GRADING QUESTIONS**

1. When can grading work begin?  
Two working days after the date of issuance of the permit.
2. What is the purpose of regulating grading?  
To control the drainage, erosion and sediment, and to assure the safety of the work. It is an attempt to safeguard the public, property, and the environment.
3. Would small projects require a permit?  
A permit is not required if the excavation (cut) or the embankment (fill) is less than 100 cubic yards in volume and less than 5-ft. in vertical height and that does not alter the general drainage pattern with respect to abutting properties.
4. What other projects do not require a permit?  
The following does not require a permit, if the work conforms to the provisions of Section 10-26, erosion and sediment control.
  - Mining or quarrying operations regulated by other County ordinance or governmental agencies.
  - Grading within building lines of a structure authorized by a valid building permit.
  - Individual cemetery plots.
  - Rubbish dump operations.
  - Agricultural operations under the Soil and Water Conservation District directors.
  - Subsurface exploratory excavations not exceeding 50 cubic yards under the direction of an engineer.
  - Installation of utility poles by electric, telephone, and public utilities.
  - Dredging under the control of the Army Corps of Engineers.
5. Are subdivision constructions exempt?  
No, a permit is required.
6. Is a grubbing permit required where a grading permit has been issued?  
No, a grubbing permit is not required.
7. When are plans required?  
Three sets of plans are required for all permit applications. For grading of areas more than 15,000 square feet, a licensed engineer or surveyor must certify the plans prior to submission to the Department of Public Works.
8. When is a soils engineering report required?
  - When a cut or fill exceeds 15 feet in vertical height.
  - When ground slopes exceed 15% in an area with high plasticity soils.
  - When fill is placed over a body of water or in a gully.
  - When a cut or fill slope exceeds the minimum requirements.
9. What are high plasticity soils?  
A silty-clayey soil that can be rolled into threads 1/8 inch in diameter without breaking.

10. If a driveway consists of a cut or fill of over 5-ft. and has a valid driveway permit, does it require a grading permit?  
Yes, because a driveway permit only controls the portion within a County right-of-way.
11. What requirements could the Department impose before granting a permit?  
The Department of Public Works may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to property. The Department may impose requirements to; (1) improve the existing grades to bring it up to the standards of the Code, (2) provide fencing of the permitted work area, (3) provide aesthetic and erosion control planting, or other treatments to reduce work impacts, (4) clean up the area, and (5) permit the hours and days of operation.
12. If a temporary trench in the County right-of-way consists of a cut over 5-ft. deep, does it require a permit?  
No, this is covered under a Permit to Work within the County Right-of-Way.
13. Are dust and noise controlled by this ordinance?  
Fugitive dust and noise control are regulated by the State of Hawaii, Department of Health. Additional dust control precautions can be regulated by the Department.
14. What height of cut or fill requires benches?  
Benches shall be constructed where a cut or fill is greater than 15 feet, except where only one bench is required (then it shall be at the midpoint). The minimum width of benches shall be 8 feet, or as determined by the Department of Public Works.
15. What are the requirements for fill material?  
Except for slopes, the fill shall be compacted to 90% of maximum density. Requirements may be modified by an engineer's soils report.
16. How will water pollution by soil particles be controlled?  
This is regulated by the State of Hawaii, Department of Health, Department of Land and Natural Resources, and the Army Corps of Engineers.
17. Who is responsible for preparing the grading plans?  
The preparation of the plans is the responsibility of the property owner. If a contractor is given a job to do grading, then grading plans must be prepared and approved before a permit will be issued. If an engineer prepares the construction plan, then we also expect the engineer to prepare the grading and erosion control plans. The contractor's responsibility will be to do the work according to the approved plan.
18. If a retaining wall is built for a cut or fill of 5 feet, but less than 6 feet (i.e., not requiring a building permit), is a grading permit required?  
Yes, this is not an exemption.
19. Who is the Permittee?  
The person who has the interest in the land, i.e., the owner or designated representative.

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P O BOX 3378  
HONOLULU, HAWAII 96801-3378

In reply please refer to  
EMD / CWB

03047PJS.03a

March 21, 2003

**To:** All Persons with Construction Activities Disturbing One (1) or More Acres of Total Land Area

**From:** Denis R. Lau, P.E., Chief  
Clean Water Branch

**Subject:** **National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Your Construction Activity**

You need to obtain coverage under an NPDES permit from the Department of Health (DOH), Clean Water Branch (CWB) for your construction activities, including clearing, grading, and excavation, that result in the disturbance of one (1) or more acres of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit authorizing discharges of storm water associated with your construction activity to State waters is required before the commencement of the construction activities.**

The CWB requires that a Notice of Intent (NOI) to be covered by the NPDES general permit for your construction activities be submitted at least 30 days before the commencement of your construction activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>

You may be required to apply for an individual NPDES permit if there is any type of activity in which wastewater (i.e., concrete truck wash water, etc.) is discharged from your project into State waters and/or coverage under the NPDES general permit(s) is not permissible. An application for the NPDES permit is to be submitted at least 180 days before the commencement of your construction activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.

Hawaii Administrative Rules, Section 11-55-38, also requires you to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. Please submit a copy of your request for review by SHPD or SHPD's determination letter for your project.

If you have any questions, please contact the Engineering Section of the CWB at (808) 586-4309.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU, HAWAII 96801-3378

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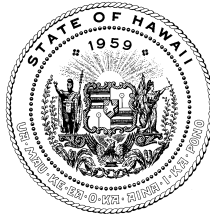
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If you have any questions, please contact the Engineering Section of the CWB at (808) 586-4309.  
or toll free 974-4000 + 864309#



LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Information for Review Submission of  
Hawai'i County Grading, Grubbing & Stockpiling Permits**

To improve and expedite the State Historic Preservation Division's review of Department of Public Works grubbing, grading and stockpiling permits, we request that the following information be submitted with your permit application:

1. A site map showing the area of proposed land-altering within the affected TMK parcel(s)
2. Location map showing known historic sites and approved buffer zones in relation to the proposed project area
3. Description of current vegetation cover and condition of the project area; description of any structures, roads or other features within the project area (photographs are very helpful)
4. Copies of previously approved permits and/or and prior SHPD review and comment letters that pertain to the property
5. Summary of land use history if known (i.e., former cane cultivation)
6. Construction dates of buildings within the project area, if known
7. Mailing address and phone number of the contact person to whom we will send our review letter

Copies of completed permit application forms and the above information may be faxed to the Hilo SHPD office at (808) 933-7655, or dropped off or mailed to 40 Po'okela Street, Hilo (96720). If you have questions, call 933-7653 or 933-7650. If you intend to hand-deliver your information, please call first to ensure that someone is in and available to discuss your project with you.

SHPD does not sign the permit; we will send you a review letter which you will attach to the permit application. Do not send us your original permit application form; send us a copy so that we may keep it on file at SHPD.

Pursuant to the Hawaii Revised Statutes, Chapter 6E-11(c) "It shall be unlawful for any person to take, appropriate, excavate, injure, destroy or alter any historic property or burial site during the course of land development or land alteration activities to which §6E-42 applies, without obtaining the required approval."