

**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.