

- (b) Criminal Penalties. Any person:
- (1) Who intentionally, knowingly, recklessly, or negligently violates any provision of Articles 1 through 5 or 6 through 10, any order or permit issued under one of those articles, or any other pretreatment requirement shall, upon conviction, be punished by a fine of not less than \$1,000.00 or by imprisonment not exceeding 90 days, or both, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense; or
 - (2) Who knowingly makes any false statement or misrepresentation in any record, report plan, or other document filed with the director, or tampers with or knowingly renders inaccurate any monitoring device or sampling and analysis method required under this section or by other law, shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than six months, or both.
- Unless otherwise provided, this subsection shall be controlled by provisions of the Hawaii Penal Code, Hawaii Revised Statutes.

(Added by Ord. 94-46; Am. Ord. 02-14)

Sec. 14-5.20 Injunctive relief.

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of Articles 1 through 10 of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the city may petition the Circuit Court of the First Circuit, State of Hawaii, or the United States District Court, State of Hawaii, through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user. (Added by Ord. 94-46)

Sec. 14-5.21 Nonliability of department personnel.

No member, employee, or officer of the department of wastewater management shall be civilly or criminally liable or responsible under this chapter for any acts done under this chapter in the performance of their duties as a member, an officer, or an employee of the city. (Added by Ord. 94-46; Am. Ord. 94-73)

Article 5A. Commercial FOG Waste and Commercial Cooking Oil Waste

Sections:

14-5A.1 Definitions.

14-5A.2 Required transport of commercial FOG waste and commercial cooking oil waste to recycling facility and required conversion to marketable product.

14-5A.3 Penalties.

Sec. 14-5A.1 Definitions.

For the purpose of this article:

"Biodiesel or renewable fuel" means the same as that term is defined in Section 2-34.1.

"Commercial cooking oil waste" means cooking oil which, because of prior use, potency loss, or contamination, is no longer usable or salable by a business engaged in cooking food or selling cooking oil. The term does not mean the residue remaining after the conversion of commercial cooking oil waste into a marketable product.

"Commercial pretreatment device" means a pretreatment device that is installed by a business pursuant to Section 14-1.9(h).

"Commercial FOG waste" means animal/vegetable fat, oil and grease and other waste that is retained in or removed from a commercial pretreatment device. The term does not mean the residue remaining after the conversion into a marketable product of grease and other waste removed from a commercial pretreatment device.

"Marketable product" means a salable, tradeable, serviceable, or otherwise valuable product that is produced from the bioconversion, composting, or processing of commercial FOG waste or commercial cooking oil waste.

"Recycling facility" means a facility of a business or other operation engaged in the conversion of commercial FOG waste, commercial cooking oil waste, or both into biodiesel or renewable fuel, compost, or another marketable product. For the purpose of this article, a publicly owned sewage treatment works or privately owned sewage treatment plant shall not be deemed a "recycling facility," even if capable of converting commercial FOG waste or commercial cooking oil waste into sewage sludge.

(Added by Ord. 02-14)

Sec. 14-5A.2 Required transport of commercial FOG waste and commercial cooking oil waste to recycling facility and required conversion to marketable product.

- (a) Any person who removes commercial FOG waste or commercial cooking oil waste from a business shall transport the waste to a recycling facility and unload the waste there.
- (b) Any person who comes into possession of commercial FOG waste or commercial cooking oil waste at a recycling facility shall either:
 - (1) Convert the waste into biodiesel or renewable fuel, compost, or another marketable product; or
 - (2) Transport the waste to another recycling facility and unload the waste there.
- (c) The director may, on the director's own initiative, suspend the requirements of subsections (a) and/or (b):
 - (1) During the period of a work stoppage or any other interruption of recycling transport service or recycling facility service; or

- (2) Whenever the director determines that there are inadequate recycling facilities or there is inadequate recycling capacity to dispose of all commercial FOG waste or commercial cooking oil waste in the city at a recycling facility.

(Added by Ord. 02-14)

Sec. 14-5A.3 Penalties.

- (a) A person shall not intentionally, knowingly, recklessly, or negligently dispose of or unload any commercial FOG waste or commercial cooking oil waste at a place other than a recycling facility in violation of Section 14-5A.2, or otherwise violate this article. "Intentionally," "knowingly," "recklessly," and "negligently" shall have the meanings ascribed to the terms under HRS Chapter 702.
- (b) A person who violates subsection (a) shall be guilty of a misdemeanor and subject to a fine of not more than \$2,000, imprisonment of not more than 30 days, or both, for each violation.
- (c) In lieu of or in addition to the criminal penalty under subsection (b), a person who violates subsection (a) shall be subject to a civil fine of at least \$500 for each violation. In setting the fine amount, the director shall consider the seriousness of the violation, cost incurred by the city to remedy the negative impacts of the violation, any history of similar violations by the person, any good faith effort to comply with the applicable requirement, and such other factors determined necessary by the director.
- To enforce an order by the director imposing a civil fine, the corporation counsel, on behalf of the director, may institute a civil action in a court of competent jurisdiction. This provision shall be deemed the council consent and approval required by Section 2-3.2(b) for bringing the action against a private person.
- (d) The penalties under this section are additional to any other penalty that may be imposed on a person for a violation of any other provision of this chapter.
- For the purpose of Article 5, a violation of this article shall be deemed a violation of "this chapter" and a violation of "Articles 1 through 10 of this Chapter."

(Added by Ord. 02-14)

Article 6. Sewer Service Charges

Sections:

- 14-6.1 Liability for payment.**
(14-6.2 Distinction of rate schedules. Repealed by Ord. 03-32.)
14-6.2 Reserved.
14-6.3 Customer classifications.
14-6.4 Sewer service charge schedules.
14-6.4A Determination of residential user discharge.
14-6.5 Determination of discharge.
14-6.6 Nonresidential strength surcharges.
14-6.7 Payment of bills.

Sec. 14-6.1 Liability for payment.

- (a) All customers who are connected, directly or indirectly, to the public sewer system as defined herein shall pay a sewer service charge.
- (b) Where a service contract/agreement exists between any user of the public sewer system and the city which provides for free sewer service, the contract/agreement shall be terminated or renegotiated to provide for payment of sewer services in accordance with the requirements of Section 204 (b)(1)(A) of the Clean Water Act and 40 CFR 35.2140.

(Sec. 11-6.1, R.O. 1978 (1983 Ed.))

(Sec. 14-6.2 Distinction of rate schedules. Repealed by Ord. 03-32.)

Sec. 14-6.2 Reserved.

Sec. 14-6.3 Customer classifications.*

- (a) "Residential" customers have been defined to include only the following:
- (1) Single family dwellings;
 - (2) Duplexes, apartment buildings, condominiums and townhouses;
 - (3) Retirement hotels (permanent guests);
 - (4) Mobile homes and mobile home parks, if any;
 - (5) Housing projects.
- (b) "Nonresidential" customers have been defined to include all industrial, commercial, agricultural, governmental and miscellaneous services, plus the following which have been specifically excluded from the above definition of residential customers:
- (1) Military bases (excluding housing units);
 - (2) Convalescent homes and sanitariums;
 - (3) Hotels, motels, resorts, camps, lodges and guest ranches (transient guests);
 - (4) School dormitories and fraternity houses;
 - (5) Boardinghouses.