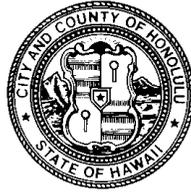


DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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Private Drainage Systems

Background Information

The Clean Water Act was established in 1972 with the goal to make US waters clean enough to be swimmable and fishable. To do this, the Environmental Protection Agency (EPA) established the National Pollutant Discharge Elimination System (NPDES) program.

Since the City's Municipal Separate Storm Sewer System (MS4), or drainage system, discharges directly to streams and the ocean, the City is required to obtain an NPDES permit from the State Department of Health. This permit requires the City to reduce the amount of pollutants discharged from the City's MS4 in order to meet the water quality standards of the State of Hawaii to the maximum extent practicable.

The City's MS4 is the system for the conveyance of storm water, and includes roads and streets with drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains owned by the City.

Components of the City's permit include investigating complaints of pollutant discharges, pursuing enforcement action against dischargers, and requiring licenses for all private storm drain connections to the City's MS4.

What is the law saying?

The City's MS4 was designed to convey storm water, not trash or pollutants. A ditch (such as a lined channel) or swale on private property is considered a private drainage system. A private drainage system is designed to convey storm water runoff away from the properties it serves, in order to prevent flooding. If the system ultimately flows into a City drainage facility, each owner of the private drainage system must have a drain connection license issued by the City (see 'Frequently Asked Questions' on the back of this page for definition of "property owner"). In addition, all property owners of the private drainage system are responsible for its care and maintenance and should prevent pollutants from entering the City's drainage system to the maximum extent practicable.



Each owner of a private drainage system must have a license to connect to the City's drainage system.

The Ordinance

The Revised Ordinances of Honolulu (ROH), Section 14-12.12 describes the license and defines a private storm drainage connection as:

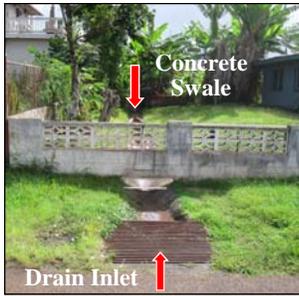
"A) Private Storm Drain Connection Licenses

- (1) All connections from non-municipal and private drainage systems to the city-owned separate storm sewer system shall require a storm drain connection license issued by the chief engineer.
- (8) Where a private storm drain connection is common to one or more parcels and is owned by more than one property owner, each property owner is required to have a private drain connection license and be responsible for the maintenance of the common private drainage system.

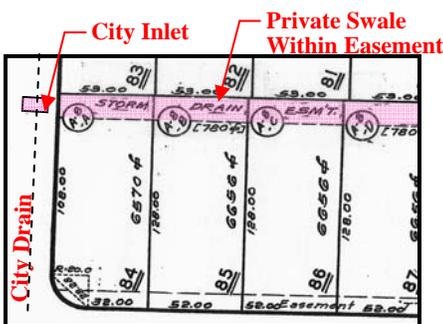
D) Private Storm Drain Connections

- (2) Any private storm drain system that is connected to the city-owned separate storm sewer system without a license issued to the property owner of record shall be considered an illegal storm drain connection
- (3) Whenever a property owner is cited for an illegal private storm drain connection to the city-owned separate storm sewer system, the property owner shall be given 90 days after the date of the citation to obtain a connection license. The city will issue a connection license to the property owner without penalty within the 90-day period provided, however, no nonstorm water is being discharged into the city-owned separate storm sewer system. After the 90-day period, the property owner shall be in violation of the provisions of Article 12 of this chapter."

Examples of Private Drainage Systems



A concrete swale from a backyard flows directly into a drain inlet next to the roadway.



The corresponding TMK map for the area above shows that the swale is within private property, which indicates that it is a private drainage system. A City- or State-owned swale or channel would be located in a separate parcel, and not in an easement.



Each property owner of a private lined channel is required to have a drain connection license.

What are my options?

Apply for a storm drain connection license. The online application process is:

1. Go online to www.cleanwaterhonolulu.com.
 2. Click on Forms in the left bar.
 3. Scroll down to Private Storm Drain Connections.
 4. Click on "Application" to download the application.
 5. Complete and send in per the instructions on the form.
- Or Call the Department of Planning and Permitting (DPP) at 768-8106

Frequently Asked Questions

Q: Why do I need a drain connection license?

A: According to Section 14-12.12 of the Revised Ordinances of Honolulu (ROH), the property owner of any home that connects to a private drainage system which flows into the City's drainage system is required by law to obtain a drain connection license.

Q: Who is considered the property owner?

A: A property owner is defined in ROH Section 14-12.2 as, "the fee simple owner of record, lessee of record, administrator, administratrix, executor, executrix, personal representative, receiver, trustee, property management agent, or any other individual, corporation, or unincorporated association who has the use, control or occupation of land with claim of ownership whether the owner's interest be in absolute fee or a lesser estate."

Q: Why is a private drainage system on my property?

A: Private drainage systems are usually installed during the initial design and construction of a group of homes or a subdivision. A private drainage system captures and conveys water away from the properties it serves, and prevents runoff from flooding your property and neighboring properties.

Q: Can I change or remove the private drainage system through my property?

A: Not without approval from the City. Changing a drainage system may cause flooding of your property, or your neighbors. If you believe that the drainage system is no longer used, you must verify that the system is no longer needed before any work is done. Changes or removal of the drainage system should NOT be done without review and approval by the Department of Planning and Permitting (DPP). An engineer's analysis may be required to check existing drainage conditions and/or to prepare plans for DPP review. If the drainage system is found to be no longer needed, drainage easement designations should also be removed to fully document your analysis.

Q: Isn't an easement still considered my property—why can't I do whatever I want inside my own property?

A: Easements are part of the property and owned by the property owner. However, easements are designated for specific purposes, such as for drainage or utility lines, and may impose restrictions on the owner's usage of the area so that it continues to function for its purpose. Maintenance, such as clearing debris from a concrete drain channel inside a drainage easement, is the responsibility of the property owner.

Enforcement

The City may issue fines depending on the severity of the violation, which could range from \$1,000 to \$25,000 per violation per day.

How can I get more information?

Storm Water Quality Branch..... 768-3242
Environmental Concern Line..... 768-3300

Visit the City's website at www.cleanwaterhonolulu.com