

## Chapter 14

### PUBLIC WORKS INFRASTRUCTURE REQUIREMENTS INCLUDING FEES AND SERVICES

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#### Sec. 14 1.1 Purpose.

- (a) Articles 1 through 10 of this chapter set forth uniform requirements for industrial users of the city's wastewater collection and treatment system, to enable POTWs to protect their interceptors, treatment, pumping, and disposal systems and to

comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, as amended, and the General Pretreatment Regulations (40 CFR Part 403).

(b) The objectives of Articles 1 through 10 of this chapter are:

- (1) To protect the health and safety of the people and enhance the environmental quality of the city and its surroundings;
- (2) To comply with the applicable state and federal laws relating to the protection of the environment, control of water pollution, pretreatment of industrial discharges, and the disposal of hazardous wastes in POTWs;
- (3) To prevent the introduction of pollutants in the POTW that will interfere with the operation of the POTW, including interference with its use or disposal of municipal sludge;
- (4) To prevent the introduction of pollutants in the POTW that will pass through the treatment works or otherwise be incompatible with such works;
- (5) To ensure that the quality of the POTW sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (6) To protect the health and welfare of workers at the treatment plants;
- (7) To prevent the introduction of wastes to sewers connected to the POTW that could result in the POTW being classified as a hazardous waste treatment, storage, or disposal facility under applicable state or federal laws;
- (8) To provide for source monitoring and control of quantity, quality, and rate of flow of residential, commercial, and industrial wastes entering the POTW;
- (9) To establish enforcement procedures and penalties for violations;
- (10) To regulate the use, connection and construction of all public and private sewers and to fix charges therefor; and
- (11) To authorize the director of the department of environmental services to effectively enforce the provisions of Articles 1 through 10 of this chapter.

(Sec. 11-1.1, R.O. 1978 (1983 Ed.); Am. Ord. 94-46, 01-64)

#### **Sec. 14-1.2 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Act. See definition of federal act in this section.

"Advanced primary treatment" means an intermediate form of wastewater treatment which provides for removal of generally 75 percent of the suspended solids and 45 percent of the BOD<sub>5</sub>.

"Assessment" or "sewer assessment" means a compulsory levy or charge on selected property for a particular sewer improvement undertaken in the interests of the public and which benefits the lessees or owners of the selected property.

Authorized Representative. Pursuant to 40 CFR Section 403.12(1), an "authorized representative" of the industrial user is defined as and shall be:

- (1) A responsible corporate officer if the industrial user submitting the statement or report is a corporation. For the purpose of this definition, a responsible corporate officer means:
  - (A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
  - (B) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) A general partner or proprietor if the industrial user submitting the statement or report is a partnership or sole proprietor, respectively.
- (3) A duly authorized representative of the individual designated in subdivision (1)(A) or (1)(B) of this definition if:
  - (A) The authorization is made in writing by the individual described in subdivision (1)(A) or (1)(B) of this definition;
  - (B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (C) The written authorization is submitted to the department.
- (4) If an authorization under subdivision (3) of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subdivision (3) of this definition shall be submitted to the department prior to or together with any other reports to be signed by an authorized representative.

"Backup facilities" means and includes the wastewater conveyance system (interceptors, trunk sewers, mains and pumping stations); the wastewater treatment plant; and the ocean outfall or wastewater disposal system. Specifically excluded are sewer laterals, in-tract facilities and main extensions, for which the costs have been contributed by users of the system.

"Benefited" or "special benefited property" means that property or portion of a property provided with a direct or indirect connection to the public sewer, deriving therefrom the direct and indirect advantages and benefits of sewer service.

"Biochemical oxygen demand" (BOD<sub>5</sub>) means a standard test used in assessing sewage strength and is the measure of decomposable organic material in domestic or industrial wastewater as represented by the oxygen utilized over a period of five days at 20 degrees Celsius and as determined by the appropriate procedure in "Standard Methods."

"Building sewer" or "house sewer" means that portion of a pipe or conduit carrying sanitary sewage and/or industrial wastes from a building to the public sewer or a common sewer.

"Categorical industrial user" means an industrial user who is subject to categorical pretreatment standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471.

"Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Federal Water Pollution Control Act, which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"Cesspool" means a covered lined or partially lined pool, pit or deep hole in the ground to receive the untreated discharges of sewage and from which the liquids seep into the surrounding soil through the bottom or sides.

"City" means the City and County of Honolulu.

"Combined sewer" means a sewer receiving a mixture of storm water and sanitary sewage with or without industrial wastes.

"Commercial cooking oil waste." See the definition under Section 14-5A.1.

"Commercial FOG waste." See the definition under Section 14-5A.1.

"Composite sampling" means a collection of a number of discrete sample aliquots obtained through flow-proportional samples, at constant time intervals between samples and composites for analysis. Composite sampling techniques shall be performed in accordance with Appendix E to 40 CFR Part 403.

"Connection" means any connection made or to be made to a public sewer at a manhole, in a new manhole, at the end of a stub, wye, saddle wye, lateral or main.

"DOH" means the State of Hawaii, department of health.

"Days" means calendar days, including weekends and holidays, unless otherwise indicated.

"Department" means the department of environmental services of the City and County of Honolulu.

"Director" means the director of the department of environmental services or the director's authorized representatives.

Discharge. See definition of indirect discharge in this section.

"Domestic wastewater" means the water-carried wastes produced from noncommercial or nonindustrial activities and which result from normal human living processes.

"Drain, storm" means a pipe, conduit or channel used for conveying storm and surface water, wash water or other similar discharges but excludes sewage and polluted industrial wastes.

"Dry weather flow" means wastewater flow during periods of little or no rainfall. Rates of flow exhibit hourly, daily and seasonal variations. A certain amount of infiltration may also be present.

"Dwelling unit" means a room or rooms connected together constituting an independent living unit with independent exterior access that includes a food preparation area. The existence of separate rental/lease agreements, addresses, and mailboxes can be used in determining dwelling unit counts for sewer service charge assessment purposes.

"EPA" means the United States Environmental Protection Agency.

"Effluent" means sewage, water or other liquid flowing out of any basin treatment device or facility.

"Entitlement" means the amount of sewage capacity reserved for the property.

"Equivalent single-family dwelling unit" (ESDU) means the fundamental unit that will be utilized to express the imputed seasonal average wastewater volume for new applicants for service and for existing users of the city's wastewater system. One ESDU is equal to about 305 gallons per day in Honolulu, or about 9,000 gallons per month.

"Extension" or "extension sewer" means the continuation of an existing public sewer through public or private property not owned, in whole or in part, by the applicant or owner of the particular property or subdivision to be served.

"Federal act," "act," or the "Federal Water Pollution Control Act," refers to PL 92-500, also known as the Clean Water Act, and amendments thereto, 33 U.S.C. 1251, et seq., as well as regulations and standards promulgated by the EPA, or successor, pursuant to the act.

"Food preparation area" means an area containing fixtures, appliances, or devices for:

- (1) Heating, preparing or cooking food;
- (2) Refrigerating food; and
- (3) Washing utensils used for dining and food preparation and/or for washing and preparing food.

The permanent removal of both elements 1 and 2 above, or element 3 above are/is required to eliminate a food preparation area for sewer service charge assessment purposes.

"Force main" means a pipeline on the discharge end of a pump carrying flow under pressure.

"40 CFR" means Title 40 of the Code of Federal Regulations relating to the protection of the environment.

"Grab sampling" means a method of obtaining an individual sample collected over a period of time not exceeding 15 minutes. Grab sampling should be employed where the pollutants being evaluated are those which may not be held for an extended period because of biological, chemical or physical interaction which takes place after sample collection and affects the results.

"Grease" means any material which is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in "Standard Methods."

"House connection" means the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying domestic wastewater.

House Sewer. See definition of building sewer in this section.

"Indirect discharge" or "discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under Sections 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act.

"Individual wastewater disposal system" means any system of storing, treating or disposing of wastewater on the property where it originates or on adjacent or nearby property under the control of the user where the system is not connected to a city wastewater system. Individual wastewater disposal systems include, but are not limited to, cesspools, septic tanks and household aerobic units. Excluded are wastewater treatment plants.

"Industrial connection sewer" means the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

"Industrial user" or "user" means a source of indirect discharge.

"Industrial wastewater" means all water-carried wastes and wastewater excluding sanitary wastewater.

"Industrial wastewater discharge permit" or "permit" means a document issued by the department authorizing discharge of industrial waste, unless otherwise indicated.

"Infiltration" means the unintentional entry of water into the wastewater collection system from the surrounding soil. Common points of entry include broken pipe and defective joints in the pipe or walls of manholes. Infiltration may result from sewers being laid below the groundwater table or from saturation of the soil by rain or irrigation water, seepage of groundwater into a sewer system, including service connections. Seepage frequently occurs through defective or cracked pipes, pipe joints, connections or manhole walls.

"Inflow" means water discharged into the sewer system and service connections from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, and around manhole covers or through holes in the covers, cross connections from storm and combined sewer systems, catch basins, storm waters, surface runoff, street wash waters or drainage. Inflow differs from infiltration in that it is a direct discharge into the sewer rather than a leak into the sewer itself.

"Influent" means sewage, water or other liquid flowing into any basin treatment device or facility.

"Interceptor" means a sewer which is laid transversely to the general sewer system which receives flow from sewer mains and lateral sewers and conducts such flow to a plant for treatment and disposal.

"Interference" means any discharge which, alone or in conjunction with a discharge or discharges from other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or
- (2) Is a cause of a violation of the NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder: Section 405 of the Federal Water Pollution Control Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulation contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

"Lateral" or "lateral sewer" means a branch or side sewer of a minimum six-inch inside diameter in size from a public sewer main to serve one or more lots.

"Local limits" means prohibitive discharge limits developed by the city pursuant to 40 CFR Section 403.5 and are deemed pretreatment standards for the purposes of Section 307(d) of the act.

"Main" means a sewer into which several laterals or other sewer lines may discharge.

"Manhole" means an opening in a sewer constructed for the purpose of permitting a person to enter or leave the sewer.

"May" is permissive.

"NPDES permit" (National Pollutant Discharge Elimination System permit) refers to the written requirements established by DOH, which govern the quality and quantity of wastewater discharged from a POTW.

"National pretreatment standard," "pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Federal Water Pollution Control Act, as amended, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5, categorical pretreatment standards, and local limits provided in the sewer ordinance.

"New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commences after the publication of proposed pretreatment standards under Section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section. Specific location and construction criteria for determining a new source are as defined in 40 CFR Section 403.3(k), as revised.

"Noncompliance" means any violation of a provision of Articles 1 through 10, the local limits, the industrial wastewater discharge permit, or National Categorical Standards.

"Ocean outfall" means a conveyance system whereby treated wastewater is discharged to the marine receiving waters for final disposal.

"Order" or "director's order" means a written determination, revocation, authorization, permission, direction, or document, including but not limited to a permit issued by the director pursuant to this chapter.

"Owner" means and includes a holder in fee, life tenant, executor, administrator, trustee, guardian or other fiduciary, lessee or licensee holding under any government lease or license of real property.

"pH" means the reciprocal of the logarithm of the hydrogen ion concentration. It indicates the intensity of acidity and alkalinity on a pH scale running from 0 to 14. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 indicate alkalinity and those below 7.0 indicate acidity.

POTW. See definition of publicly owned treatment works in this section.

"Pass through" means a discharge that exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the district's NPDES permit, including an increase in the magnitude or duration of a violation, or which causes water quality standards established by the State or EPA to be exceeded.

Permit. See definition of industrial wastewater discharge permit in this section.

"Person" or words importing persons, for instance, "another," "others," "any," "anyone," "anybody" and the like, shall signify not only individuals, but corporations, trusts, partnerships, limited liability companies, firms, associations, societies, communities, assemblies, inhabitants of a district or neighborhood, or persons known or unknown, and the public generally, where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

"Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, applicable to an industrial user.

Pretreatment Standard. See definition of national pretreatment standard in this section.

"Pretreatment system or device" means any control equipment which performs the process of pretreatment.

"Primary treatment" means a basic form of wastewater treatment which provides for removal of generally 30 percent of the suspended solids and 30 percent of the BOD<sub>5</sub>.

"Private sewer" means a sewer, privately owned, which is not directly controlled by the department.

"Public sewer" means a sewer directly controlled by the department.

"Publicly owned treatment works" (POTW) means a treatment works as defined by Section 212 of the Federal Water Pollution Control Act, which is owned by a state or municipality (as defined by Section 502(4) of the Federal Water Pollution Control Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in Section 502(4) of the Federal Water Pollution Control Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Relief sewer" means a sewer constructed to relieve an existing line or lines determined to be structurally defective or inadequate and of insufficient capacity.

SADWF. See definition of seasonal average dry weather flow in this section.

"Sanitary sewer" means a sewer the specific purpose of which is to carry only sanitary sewage.

"Seasonal average dry weather flow" (SADWF) means the average daily flow during the month of maximum wastewater discharge for each seasonal discharger.

"Secondary treatment" means an advanced form of wastewater treatment which provides for removal of 85 percent of the suspended solids and 85 percent of the BOD<sub>5</sub>, minimum.

"Self monitoring" means wastewater sampling performed by an industrial user in accordance with the municipality's pretreatment program. Self monitoring requirements will be specified in the industrial wastewater discharge permit.

"Septic tank" means a watertight settling tank in which settled sludge is in immediate contact with the sewage flowing through the tank and the organic solids are decomposed by an aerobic bacterial action.

"Sewage" means the waterborne wastes derived from ordinary human living processes and of such character as to permit satisfactory disposal, without special treatment, into the public sewer, a private sewer, or by means of a household sewage disposal system.

"Sewage pump station" means any arrangement of devices within a structure used for lifting and forcing out sewage.

"Sewage treatment plant" means any arrangement of devices and structures for treating sanitary sewage and industrial wastes excluding cesspools, individual household septic tank systems and individual household aerobic units.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer, building or house" means that portion of a pipe or conduit carrying sanitary sewage and/or industrial wastes from a building to the public sewer or a common sewer.

"Sewer, private" means a sewer, privately owned, which is not directly controlled by the department.

"Sewer, public" means a sewer directly controlled by the department.

"Sewer system" means a system of piping, with appurtenances, for collecting and conveying sewage from source to discharge.

"Shall" is mandatory.

Significant Industrial User. A "significant industrial user" is defined as:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other industrial user that:
  - (A) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (B) Contributes to a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
  - (C) Is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Significant Noncompliance. An industrial user is in "significant noncompliance" as defined in 40 CFR Section 403.8 (f)(2)(vii), if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Sections 14-5.4, 14-5.19, and 14-5.20 to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

"Slug" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge as defined under 40 CFR Section 403.8(f)(2)(v). Slug discharges also include any discharges as defined by 40 CFR Section 403.5(b).

"Storm drain" means a slotted opening leading to an underground pipe or an open ditch for carrying surface runoff.

"Storm sewer" means a sewer which carries only storm water.

"Storm water" means runoff from a storm event, and surface runoff and drainage.

"Subdivision" means a division of a piece of property into two or more lots.

"Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids; and which are largely removable by laboratory filtering and as determined by the appropriate procedure in "Standard Methods."

"Toxic pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Federal Water Pollution Control Act.

"Toxic substances" means any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

"User" means an individual, establishment or industry using any part of the public sewer.

"Waste hauler" means any person carrying on or engaging in the collection, vehicular transport and/or disposal of wastewater.

"Wastewater" means any liquid waste of any kind, whether treated or not, and whether animal, mineral or vegetable including sewage, agricultural, industrial and thermal wastes.

"Wastewater system facility charge" means a fee levied against:

- (1) A new applicant for service, for the privilege of connecting its property to the city's wastewater system; and
- (2) An existing user of the city's wastewater system, for the privilege of increasing its prior use of the city's wastewater system or for any enlargement of existing structures.

"Wastewater system facility charge increment" means the fee levied against the applicant who increases the applicant's entitlement. The fee is determined by subtracting the applicant's current ESDU from the applicant's future ESDU. (Sec. 11-1.2, R.O. 1978 (1983 Ed.); Am. Ord. 90-80, 91-86, 91-93, 93-04, 93-32, 94-46, 94-73, 96-58, 01-64, 02-14, 12-7)

#### **Sec. 14-1.3 Authority of the director.**

- (a) The director is authorized to administer and enforce the provisions of this chapter; to conduct an industrial waste pretreatment program; to issue permits containing discharge requirements, indemnification and surety provisions and other conditions; to deny or revoke any permits, orders or variances issued pursuant to this chapter; to promulgate local limitations imposing specific discharge requirements; to enforce the provisions of this chapter by any lawful means available for such purpose; to monitor and inspect any industrial user; to require industrial users to perform and submit for the director's review and approval wastestream and process environmental audits and to require industrial users to implement any objectives, including reclamation and waste minimization objectives, identified by the audits; and to promulgate such orders, rules and regulations necessary to accomplish the purposes of this chapter in accordance with the requirements that have been or may be promulgated by federal or state governments, including the EPA and the DOH. The director also may monitor, inspect, and audit any business with a pretreatment device, any business using or selling cooking oil, any person removing and transporting commercial cooking oil waste or commercial FOG waste, and any recycling facility converting commercial cooking oil waste or commercial FOG waste into a marketable product.
- (b) The director may require the industrial user to construct and operate additional pretreatment systems or devices to treat wastewater prior to discharge into the sewerage system to achieve compliance with applicable categorical pretreatment standards. New categorical industrial users shall install and operate pretreatment systems necessary to meet applicable pretreatment standards prior to discharge and shall comply with all applicable categorical pretreatment standards within the shortest feasible time, not to exceed 90 days. The director may require any industrial user to develop a compliance schedule containing dates for the commencement and completion of major events leading to the construction and operation of pretreatment systems or devices necessary for compliance with the provisions of this chapter in the shortest time possible. No compliance schedule shall allow more than nine months from commencement of the compliance schedule to achieving a milestone compliance to full compliance. In the case of a new categorical industrial user, the final date in the compliance schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. All proposed pretreatment systems or devices shall be subject to the review and comment of the director, but such review shall not relieve an industrial user of the responsibility for taking all steps necessary to comply with all applicable discharge limitations and standards pursuant to this chapter and other laws. All required pretreatment systems or devices shall be installed, operated and maintained at the industrial user's expense.
- (c) The director may, by permit or order, require an industrial user to construct, in accordance with current city standards and at the industrial user's expense, a monitoring facility immediately downstream from pretreatment facilities. If no pretreatment facilities exist, the monitoring facility shall be constructed immediately downstream from the regulated process.
- (d) Any permit may be revoked, modified or suspended by the director, in addition to seeking injunctive relief and/or imposing civil penalties, when such action is necessary to stop a discharge or a threatened discharge that may present a hazard to the public health, safety, welfare, natural environment, or sewerage system, to prevent or stop violations of this chapter, the industrial wastewater discharge permit and federal pretreatment standards, or to implement programs or policies required or requested of the city by appropriate state or federal regulatory agencies.
- (e) The director retains the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants discharged into the city's treatment plants by industrial users where such contributions or changes do not meet applicable pretreatment standards and requirements or where such contributions would cause the city to violate the requirements of its NPDES permit.

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

#### **Sec. 14-1.4 Emergency actions.**

The director is authorized to take all necessary actions to immediately and effectively halt or prevent any discharge or threatened discharge of pollutants to the sewerage system that may pose an imminent danger to the health or welfare of persons or to the environment, or that interferes or threatens to interfere with the operations of the sewerage system. The industrial user shall immediately cease undertaking such action or discharge of any wastewater presenting such a hazard upon verbal or written notification by the director. (Added by Ord. 94-46)

**(Sec. 14-1.5 Lateral sewer construction and connection. Renumbered by Ord. 94-46.)**

**Sec. 14-1.5 Reserved.**

**Sec. 14-1.6 Use of public sewers.**

- (a) When Required. Every lot that has sanitary facilities requiring sewage disposal which is accessible to a public sewer and is not connected shall be connected to the public sewer within 90 days after the owner or person legally responsible has been notified to do so. The director may grant an owner or person legally responsible a 30-day extension of time to connect to the public sewer upon a showing of extenuating circumstances and a good faith effort by such owner or person to make the connection. Under no circumstances shall the director grant more than three, 30-day extensions of time.
- (b) Permit to Connect.
- (1) A permit to connect shall be obtained from the department before any connection or reconnection may be made to a public sewer.
  - (2) Said permit is issued only for the facility or improvement shown on the original plans and specifications or application.
  - (3) Where any money or payment is due the department for a connection, the full amount shall be paid before the connection is made.
  - (4) Said permit will be issued only after an application for a building permit has been filed.
  - (5) All connections for industrial wastewater shall require an industrial wastewater discharge permit before a permit to connect is issued.
- (c) Where Public or Private Sewer System Is Not Available. Where public or private sewers are not available or accessible, an owner may elect to construct a cesspool or septic tank or other aerobic treatment unit as defined in Chapter 62, State of Hawaii Administrative Rules, provided the use of such a unit meets the public health requirements of all public agencies having jurisdiction over the use of said facilities.
- (d) Where Public or Private Sewer Is Inadequate. Where public or private sewers are inadequate to accommodate additional sewage, connection will not be permitted until the inadequacy is relieved either by the city or the applicant at the applicant's expense. For sewer lines, the relief sewer shall be constructed to the city's ultimate master plan size and location in accordance with Section 14-2.1(b).
- (e) The property owner shall be responsible for maintaining the integrity of the sewer lateral line from his or her residence or building to the edge of the property line. This maintenance shall include, but not limited to, keeping the lateral line in such a state that there is no inflow or excessive infiltration entering the lateral line.

(Sec. 11-1.3, R.O. 1978 (1983 Ed.); Sec. 14-1.3, R.O. 1990; Am. Ord. 94-46)

**Sec. 14-1.7 Sewer extensions--Application--Payment--Specifications.**

- (a) Application.
- (1) The property owner or subdivider of an unsewered area may apply for an extension. The application must be in writing. If the application is approved by the department, the department shall make an estimate of the cost and submit it to the applicant.
  - (2) The cost shall include land acquisition, engineering and inspection.
- (b) Payment and Refund.
- (1) The owner or subdivider shall pay 50 percent of the cost of any portion of such extension which passes through property not owned or controlled by such person and 100 percent of the cost of any portion which passes through property owned or controlled by such person.
  - (2) Before any contract is let, the applicant shall deposit with the department a sum equal to the applicant's share of the estimated cost. In the event the sewer extension costs less than the estimate, a refund will be made to the applicant. If it costs more than the estimate, the applicant shall pay the applicant's share of the difference to the department.
- (c) Specifications.
- (1) The extension of an existing public sewer, any part of which runs through property not owned or controlled, wholly or in part, by the owner or subdivider shall be constructed by the department, upon approval by the director, in accordance with the provisions of HRS Chapter 103, as amended. Such extension shall extend to the proximate boundary of the land specified in the application or of land owned by the owner or subdivider and contiguous to the land specified, whichever is closer.
  - (2) The department shall construct the extension including any laterals to serve the applicant's area. The department shall determine the type, size and location of the extension. The applicant, property owner or subdivider shall not have any title to the extension.

(Sec. 11-1.4, R.O. 1978 (1983 Ed.); Sec. 14-1.4, R.O. 1990; Am. Ord. 94-46)

**Sec. 14-1.8 Lateral sewer construction and connection.**

- (a) Lateral Construction. All laterals shall not have less than six-inch inside diameter and shall be installed, when practicable, at a right angle with the sewer. Each shall end at the property line with a six-inch by four-inch or the required size reducer properly capped unless excepted in special cases by the director.
- (b) Connection to a Lateral.
- (1) A four-inch or appropriate size cast iron long radius 90-degree bend shall be connected to the lateral from which shall extend the cast or schedule 40 polyvinyl chloride riser and cleanout vertically to at least one inch above ground except in a sidewalk and driveway area. In sidewalk and driveway areas, the cleanout shall be flush with the surface and shall be made of brass. The director may require the installation of a concrete block below the 90-degree bend in sandy or soft soil areas. No construction shall be backfilled or covered until inspected and approved by the department.

The lateral connection described in this subsection may be varied at the approval of the department to accommodate special topographic conditions. In all cases, the pipe connection to the lateral and the riser extension shall be of cast iron material.

The entire cleanout shall be installed within the property and at the expense of the property owner. In improvement district projects, the city may install all or a portion of the riser extension at city expense when directed by the director. A sewer manhole in lieu of the above cleanout shall be installed when directed by the director.

- (2) If an existing lateral connection does not include a cleanout as described above, the property owner shall have one installed within 60 calendar days after written notice has been given the owner by the director.
  - (3) Special control structures and other appurtenances shall be constructed by the applicant when required by the director.
- (c) Lateral Installation Charges. An applicant for lateral sewer installation shall pay for installation charges in accordance with the schedule of charges in Section 14-3.2.

(Sec. 11-1.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Sec. 14-1.5, R.O. 1990; Am. Ord. 90-50, 94-46)

**Sec. 14-1.9 Use of public sewers--Restrictions--Violations.**

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or any other source of inflow into any public sewer or any private sewer which is connected to the public sewer. However, the director may approve discharges of any nature or origin from public projects into the public sewer or any private sewer which is connected to the public sewer.
- (b) No person shall enter, obstruct, uncover or tamper with any portion of the public sewer, or connect to it, or discharge any wastewater or any other substance directly into a manhole or other opening in the public wastewater system other than in accordance with requirements established by Articles 1 through 10 of this chapter and through service sewers approved by the director, except that the director may grant permission and establish requirements and policies for such direct discharge.  
This subsection, however, shall not authorize the director to approve the discharge of any commercial cooking oil waste or commercial FOG waste into the public sewer system.
- (c) No person or party shall remove or demolish any building or structures with plumbing fixtures connected directly or indirectly to the public sewer without first notifying the department of the intention to do so. All openings, in or leading to the public sewer line or lines caused by such work, shall be sealed watertight.
- (d) No person shall fill or backfill over, or cause to be covered or obstruct access to, any sewer manhole.
- (e) No person shall erect any improvements, including but not limited to, foundations, structures or buildings over public sewers without the written permission of the director of planning and permitting.
- (f) The general and specific prohibitions set forth by the federal regulations at 40 CFR Section 403.5 are hereby incorporated into this chapter by reference.
- (g) No person shall discharge or cause to be discharged any of the following into any public sewer or any private sewer that is connected to a public sewer:
  - (1) Any pollutant(s) which may cause obstruction, upset, pass-through or interference with the operation of the POTW or may impact public health or the environment;
  - (2) Pollutants which may create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Section 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system be over five percent, nor shall any single reading be over ten percent of the lower explosive limit of the meter;
  - (3) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or higher than 11.0, unless the POTW is specifically designed to accommodate such discharges;
  - (4) Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW resulting in interference;
  - (5) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which may cause pass-through or interference in the POTW;
  - (6) Heat in the amounts which may inhibit biological activity in the POTW resulting in interference, but in no case shall heat be permitted in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit);
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8) Any trucked or hauled pollutants except those allowed by permit at discharge points designated by the director;
  - (9) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper ware either whole or ground or any other solid or viscous substances or normally dry, solid wastes capable of causing obstruction to the flow in or damage to sewers or other interference with the proper operation of the wastewater works;
  - (10) Any wastewater containing toxic pollutants such as herbicides and insecticides, in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW. A toxic pollutant shall include, but is not limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended;
  - (11) Any unusual volume of flow or concentration of wastewater constituting "slugs" as defined in Section 14-1.2 without notification to the POTW;
  - (12) Water or wastes which have been contaminated by radioactive materials;
  - (13) Water added for the purpose of diluting wastewater, which would otherwise exceed applicable maximum concentration limitations set by the POTW or the federal categorical pretreatment standards;

- (14) Water or wastewater containing in excess of the following local limits:
- 0.50 mg/L Arsenic
  - 0.69 mg/L Cadmium
  - 2.77 mg/L Total chromium
  - 3.38 mg/L Copper
  - 1.90 mg/L Total cyanide
  - 0.60 mg/L Lead
  - 0.50 mg/L Mercury
  - 3.98 mg/L Nickel
  - 2.00 mg/L Selenium
  - 0.43 mg/L Silver
  - 2.61 mg/L Zinc
  - 2.00 mg/L Phenolic compounds
  - 100.00 mg/L Oil and grease;
- (15) Wastewater with concentrations exceeding national categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Federal Water Pollution Control Act, as amended. The national categorical pretreatment standards in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this section. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10 of this chapter and, if more stringent than limitations imposed under this section, shall immediately supersede the limitations imposed under this section;
- (16) Any substance which may cause a city wastewater treatment plant's effluent or any other products thereof, such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to a city wastewater treatment plant cause it to be in noncompliance with sludge use or the disposal criteria, guidelines or regulations developed under Section 405 of the Federal Water Pollution Control Act (P.L. 92-500), as amended; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or the Toxic Substances Control Act; or State of Hawaii criteria applicable to the sludge management method being used;
- (17) Any substance which may cause the city's wastewater treatment plant to violate its national pollutant discharge elimination system permit or State of Hawaii water quality standards;
- (18) Any wastewater with an animal/vegetable fat, oil and grease (FOG) content having detrimental characteristics so as to cause obstruction, upset, interference, or pass-through in the POTW, or result in adverse impact on public health or the environment; and
- (19) Any wastewater with petroleum hydrocarbon concentration greater than 100 mg/L or having detrimental characteristics so as to cause obstructions, upset, interference or pass-through in the POTW, or result in adverse impact on the public health or the environment.
- (h) A pretreatment device(s) shall be required when deemed necessary by the director for users which may discharge any pollutant/indirect discharge, including but not limited to, fats, oils and grease of animal, fish, marine mammal or vegetable origin, into any public sewer or any private sewer that is connected to a public sewer.
- (1) All pretreatment devices shall be designed, sized, constructed, installed, and maintained such that they comply with:
- (A) All applicable federal, state and/or local discharge limits; and
  - (B) All department policies and rules, as amended.
- (2) All pretreatment devices shall be maintained in efficient operation at all times by the owner at the owner's expense. The maintenance frequency shall be determined by the director and shall be based on department policies or rules. In cases where there are no department policies or rules, the frequency of maintenance for a pretreatment device(s) shall be established by the recommendation of the manufacturer of the pretreatment device(s). In maintaining these pretreatment devices, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates, amounts, and means of disposal, all of which shall be subject to review by the director.
- (i) Any industrial user who shall discharge or cause to be discharged into the public sewers any wastewater having more than 200 mg/L of suspended solids or BOD; shall pay a surcharge in accordance with Section 14-6.6 to the city based on the extent to which such wastewater shall contain an excess over the foregoing limitation of concentration.
- (j) Where preliminary treatment facilities are provided for any wastewater as a condition of its acceptance, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
- (k) When required by the director, the owner of any property served by a building sewer carrying industrial wastewater shall install monitoring and recording equipment, and a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastewater. Such manhole shall be readily accessible and safely located, and shall be constructed in accordance with plans approved by the director. If applicable, the manhole shall be designated in the industrial user's wastewater discharge permit as its approved sampling location. The manhole shall be installed and maintained by the owner at the owner's expense.
- (l) All pretreatment program monitoring activities discussed in Articles 1 through 10 of this chapter shall be conducted in accordance with the methods and procedures in 40 CFR Part 136, as amended, and shall be made at the sampling location identified in the industrial wastewater discharge permit.
- (m) Dilution is prohibited as a substitute for treatment. Except where expressly authorized by the director to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director may impose mass limitations on industrial users which are using

dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

- (n) Any discharge which would be considered a hazardous waste, as defined by the state and/or federal laws or regulations, shall be prohibited from the sewer system.
- (o) In addition to complying with the provisions of Articles 1 through 10 of this chapter, all industrial users shall comply with all applicable requirements set forth in federal categorical pretreatment standards and other applicable federal regulatory standards, applicable state orders and water quality control regulations, wastewater discharge permits and orders issued to the city by federal and state agencies, federal and state pretreatment program approval conditions, local discharge limitations and rules adopted by and regulations promulgated by the director and the city, and any other applicable requirement regulating the discharge of wastewater into the wastewater system. The director is authorized to develop and enforce such local limitations as the director deems necessary for the city's compliance with state and federal laws and requirements and the enforcement of any provision of Articles 1 through 10 of this chapter.

(Added by Ord. 94-46; Am. Ord. 94-73, 01-64, 02-14)

**Sec. 14-1.10 Right of entry and inspection.**

- (a) Existing Systems. The department may, during reasonable hours and upon notification to the person with a right to possession, enter any building or premises in the discharge of its official duties to examine or copy records or inspect, investigate, measure or test the wastes discharged or the private sewer connected, directly or indirectly, to the public system as per 40 CFR Section 403.12(o) and to utilize existing sewer lateral cleanouts for the purpose of inspecting, maintaining, or cleaning blockages in the public sewer system.
- (b) Inspection of Construction of Sewer System Works.
  - (1) During the construction of all sewer system works, including private sewers which directly or indirectly connect to the public system, the city shall have access thereto for inspection purposes and if considered advisable by the director, may require an inspector on the job continuously. At no time shall sewers be backfilled or covered until the department has been notified and has given proper inspection and approval. If the work is not approved, it shall be repaired or removed and reconstructed, whichever is directed by the director.
  - (2) All costs of inspection and testing shall be borne by the owner or subdivider.
- (c) Premises of Industrial Users.
  - (1) Upon showing proper credentials, persons authorized by the director or persons authorized by EPA or DOH, when necessary for the performance of their duties, shall have the right to enter the industrial user's premises during scheduled, unscheduled, announced or unannounced inspections. Such authorized personnel shall have access to any facilities and records necessary for determining compliance, including, but not limited to, the ability to copy any records, inspect any monitoring equipment, and sample any wastewater subject to regulation under this chapter. Notwithstanding any provision of law, persons authorized by the director may enter an industrial user's premises at any time if the director determines that an imminent hazard to persons or property exists on or as a result of activities conducted on the industrial user's premises.
  - (2) The director may inspect the process areas of an industrial user, inspect chemical and waste storage areas, and inspect, sample and monitor wastewater production activities to determine compliance with the provisions herein and any permit or order issued herein. Inspections may include but are not limited to visual observations of the pretreatment and monitoring facilities, review of the measures undertaken by the industrial user to minimize risks for slug discharges, spills and discharges that would violate any limitations and specific prohibitions, and inspections of any hazardous waste storage areas.
  - (3) Persons authorized by the director, EPA or DOH may witness any sampling or sampling procedures required of any industrial user as part of a self monitoring program or an industrial wastewater discharge permit.

(Sec. 11-1.7, R.O. 1978 (1987 Supp. to 1983 Ed.); Sec. 14-1.7, R.O. 1990; Am. Ord. 93-04, 94-46)

**Sec. 14-1.11 Recordkeeping.**

All industrial users subject to the reporting requirement of 40 CFR Section 403.12 shall maintain and retain, and make available for inspection and copying by EPA, DOH or city officials, personnel or their agents, all records and information required to be retained herein. All records relating to compliance with pretreatment requirements and standards shall be retained by industrial users for a minimum of three years from the date of any investigation or enforcement action undertaken by EPA, DOH or the city. This period shall be automatically extended for the duration of any litigation concerning compliance with applicable laws. (Added by Ord. 94-46)

**Article 2. Sewer System for New Subdivision**

**Sections:**

- 14-2.1 Generally.**
- 14-2.2 Temporary treatment plants--Pumping stations.**
- 14-2.3 Construction costs.**

**Sec. 14-2.1 Generally.**

- (a) Connection to Public Sewers. In every subdivision where connection to a public sewer system is practicable and reasonable, or where temporary sewage treatment and disposal facilities have been approved by all authorities having jurisdiction, the subdivider shall install a complete sewer system connected to the public sewer or temporary sewage treatment and disposal facility unless such subdivision is for agricultural purposes where the lots are two acres or larger in size and the soil is deemed suitable and adequate for an acceptable private sewage disposal system.
- (b) Specifications.

- (1) The sewer system shall be of the type and size and at the locations approved by the director provided that these shall not be contrary to the locations fixed for utilities by the city general plan or for sewer system facilities by the department of wastewater management master plans.
  - (2) The sewer system shall be constructed in accordance with the current standards and specifications of the city. Before the construction of a sewer is commenced, the construction plan therefor shall be approved by the director and by the state department of health pursuant to Part III of HRS Chapter 342D.
  - (3) A lateral shall be provided to service each lot.
- (c) Title to City.
- (1) Upon completion of the construction of the subdivision sewer system and any other related new construction and approval of said construction by the department, the subdivider or developer shall convey title of the sewer system to the city for use of the department if required by the director.
  - (2) Before acceptance of the sewer system by the department, the subdivider shall convey easements covering those portions of the sewer system installed in privately owned areas and shall convey to the city, for the use of the department, fee simple title to all sites on which are located pump stations or treatment plants constructed by the subdivider or developer as part of the public sewer system.

(Sec. 11-2.1, R.O. 1978 (1983 Ed.); Am. Ord. 93-32)

**Sec. 14-2.2 Temporary treatment plants--Pumping stations.**

- (a) Specifications. Where connection to a public sewer is not available, the subdivider may construct temporary treatment and disposal facilities or where gravity service to the public sewer is not possible, the subdivider may construct a temporary pump station; provided, however, that the sewer system, including the temporary treatment plant with pertinent structures, shall be constructed in accordance with the standards and specifications of the department, or other agency having jurisdiction or other standards or requirements as may be established by the director; and provided further, that prior written approval of the director has been obtained as to the necessity for such plant or station.
- (b) Title.
  - (1) The subdivider shall convey the title to the treatment plant or the pump station including the site, in fee to the city for the use of the department, except as provided herein. Acceptance of title and possession to either the plant or station reserves for the department the right to admit sewage or wastewater to either facility from other areas provided that the needs of the subdivider are met for a stipulated period as mutually agreed upon prior to date of conveyance. Title shall revert to the grantor or the grantor's successors or assigns in the event the director finds the plant or the station is no longer needed.
  - (2) In remote areas where the treatment plant or pump station serves less than 40 lots, or any area where it serves less than 10 lots, the director may require the facility to be owned and maintained as a private system at the owner's or subdivider's expense.

(Sec. 11-2.2, R.O. 1978 (1983 Ed.))

**Sec. 14-2.3 Construction costs.**

- (a) General. Except as otherwise provided herein or by statute, the entire cost of installation of sewer system works within a subdivision and for any new construction required for connection to the public sewers shall be borne by the subdivider or developer.
- (b) Temporary Treatment Plant and Temporary or Permanent Pump Station. The entire cost of constructing a temporary treatment plant or a temporary or permanent pump station shall be borne by the subdivider or developer.
- (c) Oversize Facilities.
  - (1) Whenever the director finds that good planning and engineering practice require sewer system works of greater capacity or greater depth than required to serve a subdivision, the director shall require the provisions thereof.
  - (2) Whenever the director requires a subdivider to install a treatment plant or pump station with pertinent structures or other sewer system works or sewer lines with an inside diameter of more than eight inches in diameter, which are, in either case, of greater capacity or at greater depth than is necessary to serve the subdivision or other land under the same ownership, which is hereinafter referred to as the "initial subdivider's area," the department shall install or provide for the installation of the same in accordance with the provisions of HRS Chapter 103. Before any contract is let, the subdivider shall pay the department an amount equivalent to the cost of construction of the facilities adequate to serve the "initial subdivider's area," as determined by the director.

(Sec. 11-2.3, R.O. 1978 (1983 Ed.))

**Article 3. Sewer System for Other Than in New Subdivisions**

**Sections:**

- 14-3.1 Connections within improvement districts.**
- 14-3.2 Installation charges.**

**Sec. 14-3.1 Connections within improvement districts.**

No lateral installation charge shall be made for one or more original laterals to an original lot which is being or has been assessed in accordance with the improvement district ordinance, unless this lot has later been rezoned for higher usage and the owner desires an additional lateral or the lot is required to be served by a relief sewer which has been or will be constructed to relieve an inadequate existing sewer. (Sec. 11-3.1, R.O. 1978 (1983 Ed.))

**Sec. 14-3.2 Installation charges.**

- (a) Charge.

- (1) For Unsewered Properties. An applicant for sewer service for an unsewered property shall pay the following assessment per square foot of specially benefited area:
- |   |              |
|---|--------------|
| (A) Residential zoned areas .....             | 16 cents psf |
| (B) Business and industrial zoned areas ..... | 20 cents psf |
| (C) Hotel and apartment zoned areas .....     | 24 cents psf |
- The benefited area shall be determined by the department.  
Upon approval of the application by the department and payment of assessment charge by the applicant, the department will construct the sewer to the property line as soon as possible.
- (2) For Sewered Properties Rezoned to Higher Use. For properties with an existing sewer lateral which have been rezoned to higher use after the existing sewer service was provided; and the property is required to be served by a relief sewer which has been or will be constructed to relieve the inadequate existing sewer; shall pay the difference between the rates per square foot of that zoned to higher use and that zoned from, specified in Section 14-3.2 (a)(1).
- (b) Special Conditions.
- (1) No charge will be made for replacements of lateral sewer installations because of normal deterioration.
  - (2) Charges for construction of an additional lateral shall be the actual total cost of the installations, including overhead costs.
  - (3) A charge shall be made for a lateral sewer which has already been constructed for which no assessment or installation charge has been paid. The charge shall be as specified in subsection 14-3.2 (a)(1).
- (Sec. 11-3.2, R.O. 1978 (1983 Ed.))

#### **Article 4. Private Sewer System**

**Sections:**

- 14-4.1 Building or house sewers.**
- 14-4.2 Treatment plant--Pumping stations.**

**Sec. 14-4.1 Building or house sewers.**

- (a) Inspection After Connection. Existing private sewers connected to the public system may be inspected and tested for excessive infiltration whenever deemed necessary by the director. If the rate of infiltration is excessive, the owner, when informed by the director, shall effect approved remedial measures within 30 days. Infiltration in excess of 500 gallons per day per inch of diameter of pipe per mile of pipe shall be considered excessive. The cost of inspection after corrective action has been completed shall be paid by the owner.
  - (b) Restrictions. All private sewers connected to the public systems shall be governed by the provisions under Section 14-1.6.
- (Sec. 11-4.1, R.O. 1978 (1983 Ed.))

**Sec. 14-4.2 Treatment plant--Pumping stations.**

- (a) Existing. The department may agree to operate and maintain existing treatment plants and pump stations if these facilities are upgraded to conform with standards to be established by the director pursuant to Section 14 4.2 (c), and title is conveyed to the city. Title shall revert to the grantor or the grantor's successors or assigns in the event the director finds the plant or the station is no longer needed.
  - (b) New. Provisions contained in Section 14 2.2 are also applicable to new private treatment plants and pump stations.
  - (c) The director is authorized to prescribe and enforce rules and regulations to carry out the provisions of this section by establishing procedures and standards for city acceptance of private treatment plants and pump stations.
- (Sec. 11-4.2, R.O. 1978 (1983 Ed.))

#### **Article 5. Industrial Wastewaters**

**Sections:**

- 14-5.1 Industrial wastewater discharge permit--Violations.**
- 14-5.2 Permit application.**
- 14-5.3 Change of permit restrictions.**
- 14-5.4 Permit suspension.**
- 14-5.5 Permit revocation.**
- 14-5.6 Industrial wastewater discharge permit revocation or suspension.**
- 14-5.7 Wastewater discharge permit modification.**
- 14-5.8 Issuance and reissuance of wastewater discharge permit.**
- 14-5.9 Transfer of wastewater discharge permit.**
- 14-5.10 Compliance schedules.**
- 14-5.11 Sampling, analyses and flow measurements.**
- 14-5.12 Pretreatment of industrial wastewaters.**
- 14-5.13 Liability for damage.**
- 14-5.14 Trade secrets.**
- 14-5.15 Administrative enforcement.**
- 14-5.16 Judicial enforcement of order.**
- 14-5.17 Enforcement orders.**
- 14-5.18 Appeals.**
- 14-5.19 Violation provisions.**

**14-5.20 Injunctive relief.**

**14-5.21 Nonliability of department personnel.**

**Sec. 14-5.1 Industrial wastewater discharge permit--Violations.**

- (a) No person shall discharge or cause to be discharged any industrial wastewater into the public sewers or into any private sewer which discharges to the public sewers, without first applying for and obtaining an industrial wastewater discharge permit. Industrial wastewater discharge permits shall meet the following requirements or include the following provisions:
- (1) Permits shall be issued by the director for a specified time period, not to exceed five years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date as determined by the director;
  - (2) No permit shall be transferable without the prior written consent of the director and provision of a copy of the existing permit to the new owner or operator;
  - (3) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
  - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable pretreatment standards, categorical pretreatment standards, local limits and state and local law;
  - (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable federal deadlines;
  - (6) A statement requiring the notification of a hazardous wastewater discharge in accordance with Section 14-5.12(f);
  - (7) Recordkeeping requirements as detailed in Section 14-1.11; and
  - (8) Permittees shall provide the director with written notification upon the discontinuance of their business operations.
- (b) This permit may require pretreatment of industrial wastewater before discharge, compliance with a schedule containing commencement and completion dates of events leading to the construction and operation of pretreatment systems, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, self-monitoring programs and submission of self-monitoring reports and may include other conditions deemed appropriate by the director to ensure compliance with Articles 1 through 10 of this chapter, and federal and state laws.
- (c) No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the industrial wastewater discharge permit. Any person desiring to discharge wastewater which is not or use facilities which are not in conformance with the permit shall apply to the department for an amended permit.
- (d) All self-monitoring submittals required by the permit, and reports filed with the director shall comply with the provisions specified in Section 14-5.11(a)(3).
- (e) Industrial users subject to categorical pretreatment standards shall submit baseline monitoring reports. The baseline monitoring report requirements for industrial users in 40 CFR Section 403.12(b), as further detailed in Section 14-5.8 and Section 14-5.11(b)-(c), are incorporated into this section. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10 of this chapter.
- (f) All waste haulers shall apply for and obtain an industrial wastewater discharge permit.
- (g) With the exception of those industrial users defined by federal regulations as significant industrial users (categorical industrial users), the director may exempt certain industrial users or waste haulers from the requirement to obtain an industrial wastewater discharge permit if the quantity and/or quality of the wastewater or hauled wastewater is deemed to be unlikely to cause obstructions, upset, interference or pass-through in the POTW or result in adverse impact on public health or the environment.

(Sec. 11-5.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-93, 94-46, 01-64)

**Sec. 14-5.2 Permit application.**

In support of the permit application, an industrial user shall submit, in units and terms appropriate for evaluation, all information as required by the director to evaluate the permit application. This information shall include, but not be limited to: industrial process identification; flow rates; wastestream constituents and characteristics; time and duration of discharge; peak discharge amounts; locations of all discharge points; pretreatment facilities; sampling and monitoring equipment and points; description of activities, facilities, and plant processes, including raw materials, processes and types of materials which are or could be produced; number of employees; site diagrams; and flow schematics. Specific information required for application evaluation will be identified in the permit application package. A statement shall be included, which describes possible subcategories that may be applicable, supporting evidence for applicability of each subcategory and certification of factual information. After evaluation of the information submitted, the director shall determine if an industrial wastewater discharge permit is required. If the director so determines, a permit may be issued subject to the terms and conditions provided in this chapter. (Added by Ord. 94-46)

**Sec. 14-5.3 Change of permit restrictions.**

The department may change the restrictions and conditions of a permit from time to time as provided in this article or as required by law. An industrial user shall be allowed a reasonable period of time as determined by the director to comply with any permit modifications. (Sec. 11-5.2, R.O. 1978 (1983 Ed.); Sec. 14-5.2, R.O. 1990; Am. Ord. 94-46)

**Sec. 14-5.4 Permit suspension.**

- (a) The director may suspend a permit as provided in this article or by law for a period not to exceed 45 calendar days when such suspension is necessary in order to stop a discharge which presents an immediate hazard or threat to the public health, safety or welfare, to the environment, to the public sewer system, or to those employed by the city.

- (b) Any industrial user notified of a suspension of such person's permit shall immediately cease and desist in the discharge of all industrial wastewater to the sewer system. In the event of a failure of the industrial user to comply voluntarily with the suspension order, the director shall take such steps as necessary to insure compliance or invoke penalties as provided in this chapter.
  - (c) The director may reinstate the permit upon proof of satisfactory compliance with all discharge requirements of the department.
  - (d) This provision does not preclude a person's right to appeal the director's order as provided herein and by the department's rules and regulations.
  - (e) The director's order is not stayed pending any appeal.
- (Sec. 11-5.3, R.O. 1978 (1983 Ed.); Sec. 14-5.3, R.O. 1990; Am. Ord. 94-46)

**Sec. 14-5.5 Permit revocation.**

- (a) The director may order a permit revoked as provided in this chapter or by law or upon a finding that the industrial user has violated a provision of this chapter, or of applicable laws or regulations.
  - (b) An industrial user whose permit has been revoked shall immediately stop all discharges of any liquid-carried wastes covered by the permit to the sewer system. The director may disconnect or permanently block from the sewer system the industrial sewer connection of any industrial user whose permit has been revoked if such action is deemed necessary by the director to ensure compliance with the revocation order or if the director deems that there is an immediate hazard or threat to the public health, safety or welfare, to the environment, to the public sewer system, or to persons employed by the city.
  - (c) An industrial user whose permit has been revoked shall apply for a new permit and pay all delinquent fees, charges, penalties, and such other sums as may be due to the department. Costs incurred by the department in revoking the prior issued permit and disconnecting the industrial sewer connection shall be paid by the industrial user before issuance of a new permit.
  - (d) This provision does not preclude a person's right to appeal the director's order as provided herein and by the department's rules and regulations.
  - (e) The director's order is not stayed pending any appeal.
- (Sec. 11-5.4, R.O. 1978 (1983 Ed.); Sec. 14-5.4, R.O. 1990; Am. Ord. 94-46)

**Sec. 14-5.6 Industrial wastewater discharge permit revocation or suspension.**

Wastewater discharge permits may be revoked or suspended based on violations of this chapter, laws, rules and regulations, or any final judicial order, and including but not limited to the following reasons:

- (a) Failure to provide notification to the director of changed ownership or operations pursuant to this article;
- (b) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (c) Falsifying self-monitoring reports or late submittal of reports;
- (d) Failure to factually report the wastewater constituents and characteristics of its discharge;
- (e) Tampering or actions which disrupt the proper functioning of monitoring equipment;
- (f) Refusing to allow the city timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of the permitted facility;
- (m) Non-use or cessation of operations;
- (n) Failure to notify the director immediately of all discharges that could cause problems to the POTW and collection system, including slug discharges and specific prohibitions, as defined by Section 14-1.9 and by 40 CFR Section 403.5(b); or
- (o) Any discharge that is in violation of any applicable city, state and federal laws and requirements and/or results in any enforcement action by the city, EPA or DOH.

(Added by Ord. 94-46)

**Sec. 14-5.7 Wastewater discharge permit modification.**

- (a) The director may modify the wastewater discharge permit for good cause including, but not limited to, the following:
    - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
    - (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
    - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
    - (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
    - (5) Violation of any terms or conditions of the wastewater discharge permit;
    - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
    - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Section 403.13;
    - (8) To correct typographical or other errors in the wastewater discharge permit; or
    - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator in accordance with this section.
- The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (b) It is hereby declared a policy of this chapter that any user of the POTW who violates any provision herein shall have the user's wastewater discharge permit suspended or revoked, and, upon due process, be disconnected from the water system and/or have the sewer connection severed.
- (1) The procedures for water service disconnection shall be in accordance with the above provisions, and severance of sewer connection shall be in accordance with guidelines established by the director.
  - (2) If a user violates the discharge prohibitions of this chapter and does not comply with the order issued by the director, then a notice of termination shall be forwarded by registered mail, return receipt requested, certified mail, or personal service, to an authorized representative of an industry, or the occupant(s) and/or owner(s) of record of the property.
  - (3) The director shall reinstate water service and approve reconnection to the city's sewer system upon proof of the elimination of the noncomplying discharge.  
Whenever the director finds that a discharge of wastewater produces an imminent hazard to public health or safety or endangers public or private property, the director shall act immediately to suspend water service and/or sever all pertinent connections to the sewer without giving advance notice or warning whatsoever to said person(s).

(Added by Ord. 94-46)

**Sec. 14-5.8 Issuance and reissuance of wastewater discharge permit.**

An industrial user shall apply for a wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application at least 30 days prior to the expiration of the industrial user's existing wastewater discharge permit. An industrial user shall apply for a wastewater discharge permit for a first-time issuance at least 180 days prior to operations. In the case of a new categorical industrial user or new source, the federal regulations set forth in 40 CFR Section 403.12(b) require that at least 90 days prior to the proposed start-up of operations and discharge, a new source shall submit a baseline monitoring report with information as required in 40 CFR Section 403.12(b)(1) (5), in addition to the complete industrial wastewater discharge permit application. (Added by Ord. 94-46)

**Sec. 14-5.9 Transfer of wastewater discharge permit.**

In the event that a change in ownership or operations would affect the nature or characteristics of the wastewater discharged, the permittee shall provide, within 20 days of the change, written notice of the change to the director. If applicable, a new permit will be issued to reflect the change. (Added by Ord. 94-46)

**Sec. 14-5.10 Compliance schedules.**

- (a) Compliance Schedule Progress Report. The conditions herein shall apply to any compliance schedule required by the director. The schedule shall set forth progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations). No increment set forth herein shall exceed nine months. The industrial user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the director.
- (b) Report on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the measurement of flow and pollutant(s) and certification of pretreatment standards being consistently met. If pretreatment standards are not being met consistently, a description of additional operation and maintenance requirements or pretreatment shall be included in the report. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 14-5.11(c).
- (c) Periodic Compliance Reports.
  - (1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the director, but in no case less than twice a year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 14-5.11(c).
  - (2) All wastewater samples shall be representative of the industrial user's daily operations and discharge as described in the permit issued to the user. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure to keep the monitoring facility in good working order shall not be grounds for the user to claim that sample results do not properly report the discharge constituents and characteristics.
  - (3) If an industrial user subject to the reporting requirements of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 14-5.11, the results of this monitoring shall be included in the report.

(Added by Ord. 94-46)

**Sec. 14-5.11 Sampling, analyses and flow measurements.**

- (a) The city may require an industrial user to monitor its discharge into the sewerage system and report the results of the monitoring to the department periodically. These specific monitoring and reporting requirements shall be listed in the industrial wastewater discharge permit. The director, or the director's agent, may require additional monitoring and reporting to document compliance with pretreatment requirements.
- (1) Sampling. The industrial user shall sample its discharge into the sewerage system at a frequency provided in the industrial wastewater discharge permit or as deemed reasonable and necessary by the director to demonstrate compliance. The director, at the director's discretion, may require non permitted industrial users to conduct sampling and analysis. If sampling indicates a violation, the industrial user shall notify the director within 24 hours of becoming aware of the violation and resample within five working days. The results of the resampling shall be submitted to the director within 30 days.
  - (2) Analytical Procedures. All samples shall be taken, preserved and analyzed in accordance with the procedures outlined in 40 CFR Part 136 (guidelines establishing test procedures for the analysis of pollutants). Where no test procedure is specified by federal regulations, the procedure shall be one that is approved by EPA, or, if there is no EPA-approved procedure, by the city. Unless approved otherwise by the director, all analysis for the specific pollutants and matrix shall be performed by a laboratory certified by DOH.
  - (3) Sampling Records. For each sampling event, an industrial user shall record and maintain, in accordance with 40 CFR Section 403.12(o)(i)-(v), the following information:
    - (A) Date, exact place, method, and time of sampling and the names of the person(s) taking the samples;
    - (B) Sample preservation used;
    - (C) Dates analysis were performed;
    - (D) Chain-of-custody of sample(s);
    - (E) Names of those who performed the analyses;
    - (F) Analytical techniques and methods used;
    - (G) Results of such analyses; and
    - (H) Any unusual observations or conditions (equipment sample) noted during acquisition or analysis.
- (b) Baseline monitoring reports, reports on compliance with categorical standards, and periodic reports on continued compliance shall contain a statement, reviewed by an authorized representative of the industrial user, as defined in Section 14-1.2 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- (c) Any authorized representative of the industrial user, as defined in Section 14-1.2, signing an application statement or report submitted pursuant to this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Sec. 11-5.5, R.O. 1978 (1983 Ed.); Sec. 14-5.5, R.O. 1990; Am. Ord. 91-93, 94-46)

**Sec. 14-5.12 Pretreatment of industrial wastewaters.**

- (a) The director may require an industrial wastewater pretreatment system or device to treat industrial wastewater, in complying with pretreatment requirements, prior to discharge into the sewerage system. This may be necessary to restrict or prevent the discharge of certain wastewater constituents, to distribute more equally over a longer time period of any peak discharges, or to achieve any pretreatment result required by the director.
- (b) All pretreatment systems or devices shall be approved by the director but such approval shall not absolve the industrial user of the responsibility of meeting any industrial effluent limitation required by the department.
- (c) The city shall annually publish in the largest daily newspaper a list of industrial users who were in significant noncompliance with applicable pretreatment requirements as defined in Section 14-1.2 during the previous 12 months.
- (d) All industrial users shall immediately notify the director of any discharge which is a potential problem, including slug loading. The city may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years, the city shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
  - (1) Description of discharge practices, including nonroutine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification shall also be given for any discharge which would violate any of the prohibited discharges of this chapter;
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (e) Dilution is prohibited as a substitute for pretreatment as stated in Section 14-1.9(m).
- (f) In the event that hazardous waste is discharged into the sewer system, the industrial user shall notify, in writing, the director, DOH, and EPA. Notification shall include, but is not limited to, the name of the hazardous waste, as set forth in 40 CFR Part 261; EPA hazardous waste number; and the type of discharge (continuous, batch or other).

(Sec. 11-5.6, R.O. 1978 (1983 Ed.); Sec. 14-5.6, R.O. 1990; Am. Ord. 91-93, 94-46, 96-58)

**Sec. 14-5.13 Liability for damage.**

- (a) Any industrial wastewater user who discharges or causes a discharge in violation of this chapter or as prohibited by law and regulations which damages the sewer system resulting in costs to the department shall be liable to the department for all such costs incurred thereby, including but not limited to attorney's fees.
- (b) Any person, whether or not doing work for the city or work on a city project, shall provide notice to DOH and the city in accordance with city, state and federal laws and regulations of any leak, spill, or release of sewage from the city's sewer system caused by the person, its agents or its employees. This notice shall be provided as soon as the person becomes aware of the leak, spill, or release of sewage from the city's sewer system as a result of the work of the person, its agents or its employees. Said person shall also be liable to the department for all fines incurred including, but not limited to, attorney's fees, in the event any monetary fines are levied against the city.

(Sec. 11-5.7, R.O. 1978 (1983 Ed.); Sec. 14-5.7, R.O. 1990; Am. Ord. 94-46, 94-73)

**Sec. 14-5.14 Trade secrets.**

- (a) With respect to trade secrets, it is determined that the public interest served by not making said records public clearly outweighs the public interest served by the disclosure of said records. Accordingly, any trade secrets acquired by the department in the course of implementation or enforcement of this chapter shall be confidential information and shall not be made public except to that extent necessary to enforce this chapter. Effluent data, however, are not confidential information and shall always be made available to the public.
- (b) Whenever the director makes a written request or issues an order for an industrial user to furnish information, the request or order may contain, in addition to the required information, the following:
  - (1) That the industrial user may assert a confidential claim, including but not limited to a trade secret claim covering specified information; and
  - (2) That if no such claim accompanies the information received by the director, the industrial user is deemed to have waived all confidential claims that may exist, and said information may be made available to the public without further notice to the industrial user.
- (c) For purposes of this section in determining confidential information, the director shall determine whether the information is entitled by statute, judicial order, or law to the confidential treatment as claimed by the industrial user. In the absence of such finding, the director shall make the information available for public disclosure.

(Sec. 11-5.8, R.O. 1978 (1983 Ed.); Sec. 14-5.8, R.O. 1990; Am. Ord. 91-93, 94-46)

**Sec. 14-5.15 Administrative enforcement.**

- (a) If the director determines that any industrial user is violating any provision of this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the director may have the user served by personal service, by registered or certified mail or delivery, with a written notice of violation and order.
- (b) Within 30 days of the receipt of this notice, or such shorter period as may be provided in the notice of violation, an explanation of the violation and plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves a person for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation, or before the expiration of the time to respond with a plan.
- (c) The director is authorized to seek injunctive relief and/or impose administrative civil penalties for violations of any federal pretreatment standard, provision or condition in any permit, or any requirement of the ordinance.

(Added by Ord. 94-46)

**Sec. 14-5.16 Judicial enforcement of order.**

The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director need only show that the notice of violation and order was served, a hearing was held or the time granted for requesting a hearing had expired without such a request, the civil fine was imposed, and that the fine imposed had not been paid. (Added by Ord. 94-46)

**Sec. 14-5.17 Enforcement orders.**

- (a) Consent Orders. The director is authorized to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. The order shall include specific action to be taken by the industrial user to correct the noncompliance within a time period to be provided in the order. These orders shall have the same force and effect as other administrative orders issued pursuant to Section 14-5.15 and shall be judicially enforceable.
- (b) Show Cause Orders. Whenever the director finds that a discharge of wastewater is taking place or threatening to take place in violation of any requirement imposed by ordinance, regulation or other law, the director may issue a notice of violation and show cause order requesting the industrial user to meet with someone designated by the director. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the industrial user show cause why this proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. The notice may be served on any authorized representative of the industrial user. This meeting is not a prerequisite to taking formal enforcement action against the industrial user, and neither does this preclude in any way informal meetings or discussions with the industrial user.
- (c) Compliance Orders and Compliance Schedules. Upon a finding by the director that an industrial user has violated or continues to violate the ordinance, a permit or an order issued herein, or any other pretreatment standard or requirement, the director may issue an order to the industrial user responsible for the discharge requiring the user to come into

compliance within a period of time specified by the director. These orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor do they release the user from liability for any violation, including a continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other enforcement action against the industrial user.

- (d) **Cease and Desist Orders.** Whenever the director finds that a discharge of wastewater is taking place or threatening to take place in violation of any ordinance, order, regulation, or other law, the director shall issue an order directing the industrial user to cease and desist such discharges and achieve compliance in accordance with a detailed time schedule of specific actions the user shall take in order to correct or prevent violations of this chapter, regulation, order, or any other law. The director may order the revocation or suspension of any permit. Any order issued by the director may require the industrial user to provide information as the director deems necessary to explain the nature of the discharge. The director may require in any cease and desist order that the user pay to the city the costs of any extraordinary inspection or monitoring which in the discretion of the director was deemed necessary as a result of the violation, together with civil penalties. Issuance of a cease and desist order shall not preclude any other enforcement action against the industrial user.
- (e) **Cleanup and Abatement Orders.**
- (1) Any industrial user who is in violation of this chapter, regulation, order, or any other law, shall upon the director's order and at the total expense of the user, clean up the discharge and do whatever is necessary or required by the director to abate the effects of the violation.
  - (2) The industrial user may be required to initiate any cleanup, abatement, or remedial work that the director deems necessary. Issuance of a cleanup and abatement order shall not preclude any other enforcement action against the user.
  - (3) Any industrial user violating the ordinance, regulations, order, or any other law shall be liable to the city for costs incurred in the cleanup, abatement, or remedial actions undertaken by the director, including but not limited to administrative costs, inspection costs, attorney's fees and penalties or other liability imposed upon the city by other agencies, persons, or organizations whether by way of court action, administrative action, or settlement.
- (f) **Termination of Discharge.** In addition to other remedies available and as provided in this chapter or by law, when in the discretion of the director the industrial user has not demonstrated or cannot demonstrate satisfactory progress toward compliance with the requirements of the ordinance, regulation, order, or other laws, the director may, after providing written notice to the user by certified mail 30 days in advance of any action, sever or plug the connection from the user's system to the city's sewerage system or otherwise prevent the discharge of wastewater from the user's system to the city's sewerage system.
- (g) **Administrative Fines.** In addition to other remedies available and as provided in this chapter or by law, the director may impose administrative penalties.
- (h) **Other Enforcement Actions.** Nothing herein shall preclude or limit in any manner, state or federal regulatory agencies from undertaking enforcement actions as appropriate as a result of violations pursuant to this chapter to the extent these also constitute violations of applicable federal or state laws, or other pertinent requirements.

(Added by Ord. 94-46)

**Sec. 14-5.18 Appeals.**

- (a) The industrial user may petition to appeal the terms of a wastewater discharge permit, its modification, revocation, suspension or denial, or the director's order, including but not limited to enforcement within 30 days of the director's final action on the matter in accordance with the rules and regulations of the department.
- (b)
- (1) Failure to submit a timely petition for appeal shall be deemed to be a waiver of the administrative appeal.
  - (2) In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and alternative condition, if any, it seeks to substitute for the provisions objected to in the wastewater discharge permit, or the specific basis for its objections to the permit modification, suspension, revocation or denial, and alternatives, if any, it suggests, or specific grounds for its objection to the director's order.
  - (3) The effectiveness of the wastewater discharge permit or the director's final action regarding the permit modification, suspension, revocation or denial, or the director's order, including but not limited to enforcement, shall not be stayed pending the appeal.
  - (4) If the petition for appeal is not acted upon within 30 days by the director, the petition shall be deemed to be denied and the industrial user shall comply with the terms of the permit or the director's final action regarding the permit modification, suspension or revocation, or the terms of the director's order.
  - (5) The director shall take final action on a permit denial, issuance, modification, or renewal, or the order, including but not limited to enforcement, by sending the permit or the director's order to the applicant by certified mail.

(Added by Ord. 94-46)

**Sec. 14-5.19 Violation provisions.**

- (a) **Administrative and Civil Penalties.** Any person violating any provisions of this chapter, any order, or permit issued hereunder, or any other pretreatment standard or requirement, shall be liable for an administrative or civil penalty of not less than \$1,000.00 per violation per day, except that in cases where such offense shall continue after written notice from the director of such violation, each day's continuance of the same shall constitute a separate offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In determining the amount of the fine, the director shall consider the seriousness of the violation or violations, any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the fine on the violator, and such other considerations, that the director determines in the exercise of the director's discretion, are relevant to the amount of the fine. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits hereunder.

- (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.

- (c) Any customer with both residential and nonresidential usage and a common meter shall be charged as follows: The department shall determine the percentage of the total number of units that are nonresidential and the percentage of the total number of units that are residential. The department shall then apportion the total monthly water usage for the customer between residential and nonresidential units based on these percentages. The customer's bill shall be computed by charging all residential units the applicable residential sewer service charges, and by charging the nonresidential units the applicable nonresidential sewer service charges. The charges shall be from Column 1 or Column 2 of Appendix 14-B, whichever is applicable. The means of determining the amount to charge a customer with both residential and nonresidential usage established by this subsection shall not preclude any customer from apportioning all or any portion of the charge among the various users on any other basis.

(Sec. 11-6.3, R.O. 1978 (1983 Ed.); Am. Ord. 89-80, 03-32)

[\*Editor's Note: Sec. 14-6.3(c) shall take effect on January 1, 2005.]

**Sec. 14-6.4 Sewer service charge schedules.**

- (a) Sewer service charge schedules are listed separately in Appendix 14-B of this chapter.
- (b) The department shall review the sewer charge schedule as frequently as may be necessary or proper in order to comply with any agreements with holders of bonds of the city issued to finance facilities constituting part of the public wastewater system, but not less frequently than annually, and recommend to the city council revisions, as necessary, to reflect the actual operation and maintenance costs of the public wastewater system and debt service, reserve and other coverage requirements on bonds of the city issued to finance facilities constituting a part of the public wastewater system.
- (c) The department shall annually notify all users of the public sewer system of their current sewer service charge rate and that portion of their rate which is attributable to wastewater treatment services in accordance with 40 CFR 35.2140(c). Notification may be in conjunction with a regular bill, newspaper notice or other means acceptable to the regional administrator of the environmental protection agency.

(Sec. 11-6.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58, 98-19, 01-52)

**Sec. 14-6.4A Determination of residential user discharge.**

Residential users may, upon request to the director and the director's approval, be permitted to install and maintain at the user's expense, a water meter for submetering nonsewer water. The property owner shall, at the owner's expense, do any necessary plumbing, subject to departmental inspection, to separate the types of water use and shall provide for the meter to be located adjacent to the primary water meter and within the public right-of-way or at a location approved by the director. (Added by Ord. 97-07; Am. Ord. 98-06)

**Sec. 14-6.5 Determination of discharge.**

- (a) Dischargers using private wells or other private water sources will be required to install, at their own expense, water meters approved by the director for measuring the supplemental water quantity or, alternatively, they will be required to install, at their own expense and at the appropriate location, a calibrated flume, weir, flow meter or similar device approved by the director for measuring wastewater quantity. A flow recording and totalizing register will also be required, and measurements to verify the quantities of waste flows will be performed on a random basis by the department. Residential users not served by the city water system shall be charged on the basis of the monthly base charge rates provided for in Appendix A.
- (b) Because of landscape irrigation or consumptive usage, some nonresidential users may discharge substantially less than 80 percent of their metered water usage to the sanitary sewer system. Those users may, upon request to the director, be permitted to have the amount of water being discharged to the sewer determined by one of the methods listed below. The specific method to be used will be selected by the director based on considerations of cost of installation and anticipated accuracy of the method.
- (1) Method One. The user shall install and maintain at the user's expense a calibrated flume, weir, flow meter or similar device approved by the director as to type and location to measure the user's wastewater discharge. In the latter case, a flow meter and totalizing register will be required and measurements to verify the quantity of wastewater flow will be performed on a random basis by the director. The property owner shall install at the owner's expense a suitable vault for installing the flow meter. The vault shall be located on the user's sewer lateral or building sewer at a location approved by the director, and the department shall be granted access rights.
- (2) Method Two. The user shall install and maintain at the user's expense a water meter for submetering the water discharging to the public sewer. The property owner shall at the owner's expense do any necessary plumbing subject to department inspection to separate the types of water use and provide for the meter to be located adjacent to the primary water meter and within the public right of way or at a location approved by the director.
- (3) Method Three. If the director determines that it is impractical for a user to employ method one or method two as a result of physical difficulty or excessive cost, the director may permit the user to estimate the amount of wastewater reasonably anticipated to be discharged to the public sewer. The user's estimate may be based upon average historical water use during wet weather periods or upon any other reasonable basis, and may be based upon flow meter tests if practical. The director shall review the data submitted by the user and may modify the user's estimate, where appropriate. The decision of the director shall be final if method three is utilized. If a user is not satisfied with the determination under method three, the user shall have the right to require at the user's expense utilization of method one or method two for determination of the amount of wastewater discharge to the public sewer.

(Sec. 11-6.5, R.O. 1978 (1983 Ed.); Am. Ord. 89-80)

**Sec. 14-6.6 Nonresidential strength surcharges.**

- (a) In addition to user charges based solely on quantity, nonresidential users shall also be subject to a strength surcharge in accordance with Section 14-1.9(i). A monitoring program shall be initiated by the department to periodically measure the strength characteristics of wastewater discharges from these users, in accordance with Section 14-1.9(k).
- (b) The nonresidential user charge schedule is applicable to domestic strength wastewater having an average suspended solids loading of 200 mg/l. The charge to a nonresidential user whose wastewater loading exceeds 200 mg/l shall be determined by means of the following formula, where *SSm* equals the measured suspended solids loading for that user and *c* is the user's charge per 1,000 gallons of either water usage or wastewater discharge, whichever is applicable.

$$\text{Charge per 1000 gallons} = c \left[ 0.857 + \frac{0.143(SSm)}{200} \right]$$

- (c) All nonresidential users that discharge wastewater having suspended solids loadings greater than 200 mg/l shall be identified by the department and shall be subject to this strength surcharge, effective upon the completion of construction of Phase II, Sand Island sewage treatment plant.
  - (d) Strength surcharges for BOD<sub>5</sub> shall not be levied against nonresidential users until completion of the west and east Mamala Bay secondary treatment facilities, as applicable.
  - (e) The actual formulas for water usage and wastewater discharge are shown in the sewer service charge schedules listed separately in Appendix A.
- (Sec. 11-6.6, R.O. 1978 (1983 Ed.); Am. Ord. 96-58, 12-7)

**Sec. 14-6.7 Payment of bills.**

- (a) All bills shall be due and payable upon deposit in the United States mail or upon the presentation to the consumer. Payment shall be made to collectors duly authorized by the city.
  - (b) Any bill which is not paid within 30 days after presentation or deposit in the United States mail shall be deemed delinquent and the water service by the board of water supply may be discontinued five business days after written notice is given to the consumer. For consumers not served by the board of water supply, the department may use any reasonable means to effectively terminate the discharge into the public sewer.
  - (c) A service fee for handling a dishonored check may be made in accordance with fees established by the department.
- (Sec. 11-6.8, R.O. 1978 (1983 Ed.))

**Article 7. Pumping or Treating of Cesspools**

**Sections:**

- 14-7.1 Generally.**
- 14-7.2 Requirements.**
- 14-7.3 Service charge.**
- 14-7.4 Payment of bills.**

**Sec. 14-7.1 Generally.**

- (a) Services to Be Provided for.
    - (1) Services under this article will be provided only to properties for which a public sewer is not available or accessible and are classified as residential under Section 14-6.3 (a) of this chapter.
    - (2) Services will not be provided to properties classified as nonresidential. Nonresidential properties are required to obtain service from private establishments.
  - (b) Procedure.
    - (1) An occupant or owner of residential property may request to have a cesspool serviced by the department.
    - (2) The department may, at its option, use chemical treatment in lieu of pumping.
- (Sec. 11-7.1, R.O. 1978 (1983 Ed.); Am. Ord. 02-60)

**Sec. 14-7.2 Requirements.**

- (a) Maintenance of Cesspool. The owner shall maintain the owner's cesspool in a safe, serviceable condition and readily accessible to the department's crew. Failure to exercise reasonable care to minimize the frequency of servicing may result in termination of pumping or treatment services by the department.
  - (b) Replacement and Rehabilitation of Cesspools. Any cesspool requiring one or more pumping per week for a period of three weeks shall be replaced or rehabilitated within 90 days after the owner or person legally responsible has been notified to do so by the director. Failure to take corrective action required by the director may result in termination of pumping services by the department.
- (Sec. 11-7.2, R.O. 1978 (1983 Ed.))

**Sec. 14-7.3 Service charge.**

- (a) Pumping.
  - (1) A charge shall be made for pumping cesspools. The person requesting the service shall have the choice of either paying on a per-call basis or on a monthly contract basis. A person who elects to be serviced on a contract basis must apply to the department. Except as otherwise provided in this subdivision, no contract shall extend beyond June 30, 2004. After June 30, 2004, the charge for pumping cesspools shall be on a per-call basis only, provided that any owner or occupant whose property is included within a sewer improvement district

for which an assessment ordinance has been enacted prior to June 30, 2004, may elect to pay for service on a contract basis until the prescribed deadline in the notice to connect to the sewer system or as may be allowed by an extension to the deadline approved by the director.

- (2) An eligible household shall be entitled to pay reduced per-call cesspool pumping service charges. For purposes of this section, an "eligible household" is that which does not exceed the U.S. Department of Housing and Urban Development (HUD) low-income limit adjusted for family size. The eligible household must apply for a loan through the department of community services housing rehabilitation loan program for wastewater disposal system rehabilitation/reconstruction to rehabilitate or reconstruct their wastewater disposal system. Only if the eligible household does not otherwise qualify for a housing rehabilitation loan program will the eligible household be entitled to pay reduced per-call cesspool pumping service charges, retroactive to the date of initial application for the rehabilitation loan with the department of community services.
  - (3) No charge shall be made for pumping a cesspool which is being chemically treated by the city and payment is being made for the service.
- (b) Chemical Treatment. A monthly charge shall be made for any cesspool under chemical treatment.
- (c) Cesspool Service Charge Schedule. Cesspool service charge schedules are listed in Appendix 14-C of this chapter. (Sec. 11-7.3, R.O. 1978 (1983 Ed.); Am. Ord. 01-52, 02-60, 04-37)

**Sec. 14-7.4 Payment of bills.**

- (a) All bills shall be due and payable upon deposit in the United States mail or upon other presentation to the consumer. Payment shall be made to collectors duly authorized by the city.
- (b) Any bill which is not paid within 30 days after presentation or deposit in the United States mail shall be deemed delinquent and the water service by the board of water supply may be discontinued five business days after written notice is given to the consumer. For consumers not served by the board of water supply, the department may use any reasonable means to effectively terminate the discharge into the public sewer.
- (c) A service fee for handling a dishonored check may be made in accordance with fees established by the department. (Sec. 11-7.4, R.O. 1978 (1983 Ed.))

**Article 8. Sewer Fund**

**Sections:**

- 14-8.1 Creation.**
- 14-8.2 Purpose.**
- (14-8.3 Accounts. Repealed by Ord. 93 04.)**
- 14-8.3 Authority.**
- 14-8.4 Refunds.**

**Sec. 14-8.1 Creation.**

There is created and established a special fund to be known as the "sewer fund." (Sec. 11-8.1, R.O. 1978 (1983 Ed.))

**Sec. 14-8.2 Purpose.**

- (a) All moneys received by the city pursuant to the provisions of Section 204 (b)(1)(B) of the Federal Water Pollution Control Act amendments of 1972 (PL 92-500), Section 6-47.1, and Articles 1 through 10 shall be deposited into the sewer fund and shall be appropriated and expended for the purposes authorized by federal or state law, the implementation of Articles 1 through 10, or other purposes specified by ordinance. Notwithstanding the foregoing, except for monies expended for (1) debt service payments on reimbursable general obligation bonds and other financings or (2) repayments of interfund transfers and loans, where the proceeds from such bonds, financings, interfund transfers or loans were used to pay wastewater expenditures that are currently paid for by the sewer fund or sewer revenue bond improvement fund, no monies shall be expended from the sewer fund to reimburse the general fund for expenses incurred in prior fiscal years.
- (b) In addition, all moneys received by the city from the board of water supply for the sale or long-term lease or rental of a city-owned treatment works to the board shall be deposited into the sewer fund and shall be appropriated and expended only for the following purposes:
- (1) Land acquisition, planning, design, engineering, construction, inspection, relocation, or equipment necessary for the establishment of a new city-owned treatment works or improvement of an existing city-owned treatment works;
  - (2) Payment of debt service on outstanding sewer revenue bonds;
  - (3) Repayment of an outstanding loan from the state water pollution control revolving fund that was used to construct or improve the sold, leased, or rented city-owned treatment works; or
  - (4) Reimbursement of the federal or state government when the sale or long-term lease or rental to the board of water supply of the city-owned treatment works has violated a term or condition of a federal or state grant that was used to construct or improve the works.
- For this subsection, "city-owned treatment works" means a publicly owned treatment works, as defined under Section 14-1.2, that is owned by the city and "long-term lease or rental of a city-owned treatment works" means the lease or rental of all or a portion of a city-owned treatment works that has been approved by the council pursuant to Section 28-4.1.

(Sec. 11-8.2, R.O. 1978 (1983 Ed.); Am. Ord. 94-32, 98-21, 02-14, 02-55, 05-006)

**(Sec. 14-8.3 Accounts. Repealed by Ord. 93-04.)**

**Sec. 14-8.3 Authority.**

The director of budget and fiscal services shall take any and all actions necessary to effect compliance with the provisions of this article. (Sec. 11-8.4, R.O. 1978 (1983 Ed.); Am. Ord. 93-04, 02-55)

**Sec. 14-8.4 Refunds.**

Any payments heretofore made pursuant to the "In Lieu Charges to Tax Exempt Users" prior to the effective date of this section shall be refunded. (Sec. 11-8.5, R.O. 1978 (1983 Ed.); Am. Ord. 93-04)

**Article 9. Termination of Water Service**

**Sections:**

**14-9.1 Authorization.**

**Sec. 14-9.1 Authorization.**

It has been determined that termination of water service to enforce payment of sewer service charges is necessary and that termination of water service to industrial users for violations pursuant to Section 14-5.7(b) may be necessary. Therefore, the board of water supply is given the authority to terminate water service for delinquency in payment of sewer service charges or pursuant to Section 14-5.7(b) when so directed by the director. (Sec. 11-9.1, R.O. 1978 (1983 Ed.); Am. Ord. 94-73)