CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 3 (2012), CD2

A BILL FOR AN ORDINANCE

AMENDING CHAPTER 14 OF THE REVISED ORDINANCE OF HONOLULU 1990, AS AMENDED, RELATING TO THE PUBLIC WORKS INFRASTRUCTURE REQUIREMENTS INCLUDING FEES AND SERVICES BY AMENDING ARTICLES 1, 6, 10, and APPENDIX B RELATING TO PUBLIC SEWERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to update portions of Chapter 14, Revised Ordinance of Honolulu 1990, as amended, by: (1) amending Articles 1, 6, 10, and Appendix B, to assign responsibilities to applicable departments due to the city reorganization on July 1, 1998; (2) to clarify definitions related to sewer service charges; (3) to adjust sewer service charges to more equitably distribute costs; and, (4) to better relate timing of payment of Wastewater System Facility Charges to actual construction of facilities.

SECTION 2. Section 14-1.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 14-1.2 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in [Articles 1 through 10 of] 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_5.

"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_5) 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 [may also] <u>can</u> 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 [two of the three above-numbered elements] 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_5.

"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 BOD5, 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."

SECTION 3. Section 14-6.6, Revised Ordinances of Honolulu 1990 ("Nonresidential strength surcharges"), is amended by amending subsection (b) to read as follows:

"(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] user's charge per 1,000 gallons of either water usage or wastewater discharge, whichever is applicable.

$$\textit{Charge per } 1000 \textit{ gallons} = c\left[[0.687]\underline{0.857} + \frac{[0.313]\underline{0.143}(SSm)}{200}\right]"$$

SECTION 4. Section 14-10.2, Revised Ordinance of Honolulu 1990 ("time of payment"), is amended by amending subsections (a) and (c) to read as follows:

"(a) Residential Service.

(1) New Residential Applicants for Service.

(A) A wastewater system facility charge shall be paid by each new applicant for service as a precondition to the issuance of a building permit by the city, where the new applicant is subject to liability under Section 14-10.1(a); provided that the director of the department of planning and permitting may defer payment of the facility charge for low-income housing projects and city or city-sponsored, or state or state-sponsored housing projects, but in all instances no connection to the city's sewer system shall be allowed until the facility charge is paid. The required payment shall be based on the number and type of dwelling units to be constructed in accordance with Section 14-10.3.

(B) Wastewater system facility charges for subdivision or development projects shall be paid as a precondition to [final subdivision approval]

issuance of building permits for the subdivision by the city. The minimum required payment shall be based on one equivalent single-family dwelling unit per lot. In the event more than one equivalent single-family dwelling unit is constructed per lot, wastewater system facility charges for each additional unit shall be paid as a precondition to the issuance of a building permit by the city; provided that the director of the department of planning and permitting may defer payment of the facility charge for low-income housing projects and city or city-sponsored, or state or state-sponsored housing projects, but in all instances no connection to the city's sewer system shall be allowed until the facility charge is paid. Subdivision or development projects which have received final subdivision approval prior to the effective date of this article shall be exempt from paying the minimum one equivalent single-family dwelling unit charge.

(2) Existing Residential Structures.

(A) An existing residential structure is exempt from liability under Section 14-10.1 for its existing wastewater system capacity entitlement.

(B) An applicant for a building permit to enlarge an existing residential structure shall be liable for the wastewater system facility charge increment associated with the enlargement project, based on the number and type of dwelling units to be constructed in accordance with Section 14-10.3. Payment of the charge shall be a precondition to the issuance of a building permit by the city.

For the purposes of this subsection, "city or city-sponsored housing project" shall mean a housing project that is city-owned, city-funded and/or developed pursuant to HRS Section 46-15 or 46-15.2 and/or under HRS Chapter 201G as applicable to the city through HRS Section 46-15.1, "state or state-sponsored housing project" shall mean a housing project that is state-owned, state-funded and/or developed under HRS Chapter 201G, and "low-income housing project" means the same as is defined in Section 14-10.6, provided that a "city or city-sponsored housing project" and a "state or state-sponsored housing project" may also be a "low-income housing project" for purposes of the reduction of the wastewater system facility charges pursuant to Section 14-10.6."

"(c) Mixed Residential and Nonresidential Service.

(1) New Mixed Applicants for Service. A wastewater system facility charge shall be paid by each new applicant for service as a precondition to the

issuance of a building permit by the city, where the applicant is subject to liability under Section 14-10.1(a); provided that the director of the department of planning and permitting may defer payment of the facility charge applicable to the residential portion of a city or city-sponsored or state or state-sponsored housing project upon consideration of the applicant's financial situation, but in all instances no connection to the city's sewer system shall be allowed until the charge is paid. The required payment shall be based on the procedures set forth in Section 14-10.5.

(2) Existing Mixed Structures.

(A) An existing structure is exempt from liability under Section 14-10.1(b) for its existing wastewater system capacity entitlement.

(B) An applicant for a building permit to enlarge an existing structure shall be liable for the wastewater system facility charge increment associated with the enlargement project, based on the procedures set forth in Section 14-10.5. Payment of that charge shall be a precondition to the issuance of a building permit by the city.

(C) An applicant wishing to increase its wastewater system capacity entitlement to accommodate a change in use of the existing structure shall be liable for the wastewater system facility charge increment associated with the increase, based on the procedures set forth in Section 14-10.5. Payment of that charge shall be a precondition to the issuance of a building permit by the city.

For the purposes of this subsection, "city or city-sponsored housing project" shall mean a housing project that is city-owned, city-funded and/or developed pursuant to HRS Section 46-15 or 46-15.2 and/or under HRS Chapter 201E as applicable to the city through HRS Section 46-15.1, and "state or state-sponsored housing project" shall mean a housing project that is state-owned, state-funded and/or developed under HRS Chapter 201E."

SECTION 5. Section 14-10.5, Revised Ordinance of Honolulu 1990 ("Mixed residential and nonresidential wastewater system facility charges"), is amended by amending subsection (b) to read as follows:

"(b) The new applicant for service, or the owner of an existing structure who wishes to increase the owner's current wastewater system capacity entitlement, shall be required to install a sub-water meter to monitor the water flow to the nonresidential units. [The sub-water meter size shall be obtained from the board of water supply,

or from the state department of land and natural resources in the case of private water wells, for the project to be constructed.] The number of ESDUs shall be determined in accordance with Section 14-10.3 for the residential units and Section 14-10.4 for the nonresidential units."

SECTION 6. Appendix 14-B, Revised Ordinances of Honolulu 1990, is repealed.

["**Appendix 14-B**

SEWER SERVICE CHARGE SCHEDULES

The charges in column 1 apply to all customers, except those customers for which a sewer service contract/agreement exists between the customer and the City and County of Honolulu which provides that column 2 charges shall apply. Sewer service contracts/agreements that allow column 2 charges are intended for customers who have paid their share of capital costs of collection, treatment and disposal of their wastewater by the city.

Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
Single-family and duplex dwellings served by city water system per dwelling unit per month			
1. Monthly base charge	2011	$71.13	$56.10
	2012	73.97	58.34
	2013	76.93	60.68
	2014	80.01	63.10
	2015	84.01	66.26
	2016	90.73	71.56
2. Monthly usage charge--First 2,000 gallons of metered water consumed	2011	No charge	No charge
3. Charge per 1,000 gallons of metered water consumed over 2,000 gallons, the water	2011	$3.00	$3.00
	2012	3.12	3.12
	2013	3.24	3.24

Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
consumed reduced by the water irrigation factor of 18%; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor	2014	3.37	3.37
	2015	3.54	3.54
	2016	3.82	3.82
Single-family and duplex dwellings not served by city water system per dwelling unit per month	2011	$87.56	$80.85
	2012	91.06	84.08
	2013	94.70	87.45
	2014	98.49	90.94
	2015	103.41	95.49
	2016	111.69	103.13
Multiple-unit dwellings served by city water system per dwelling unit per month			
1. Monthly base charge	2011	$49.82	$39.22
	2012	51.81	40.79
	2013	53.88	42.42
	2014	56.04	44.12
	2015	58.84	46.32
	2016	63.55	50.03
2. Monthly usage charge--First 2,000 gallons of metered water consumed	2011	No charge	No charge
3. Charge per 1,000 gallons of metered water consumed over 2,000 gallons, the water consumed reduced by the water irrigation factor of 18%;	2011	$3.00	$3.00
	2012	3.12	3.12
	2013	3.24	3.24
	2014	3.37	3.37
	2015	3.54	3.54

Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor	2016	3.82	3.82
Multiple-unit dwellings not served by city water system per dwelling unit per month	2011	$67.40	$56.68
	2012	70.10	58.95
	2013	72.90	61.31
	2014	75.82	63.76
	2015	79.61	66.95
	2016	85.98	72.30

Non-Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
Domestic Strength Wastewater: 1. Metered Water Usage a. If 9,000 gallons or less per month			
(1) Monthly base charge	2011	$63.97	$53.25
	2012	66.53	55.38
	2013	69.19	57.59
	2014	71.96	59.90
	2015	75.56	62.89
	2016	81.60	67.92
(2) Charge per 1,000 gallons	2011	$3.26	$3.26
	2012	3.39	3.39
	2013	3.52	3.52
	2014	3.66	3.66

Non-Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
	2015	3.84	3.84
	2016	4.15	4.15
b. If more than 9,000 gallons per month, charge per 1,000 gallons	2011	$10.36	$8.70
	2012	10.77	9.05
	2013	11.20	9.42
	2014	11.65	9.79
	2015	12.23	10.28
	2016	13.21	11.10
2. Metered Wastewater Discharge a. If 7,000 gallons or less per month			
(1) Monthly base charge	2011	$63.97	$53.25
	2012	66.53	55.38
	2013	69.19	57.59
	2014	71.96	59.90
	2015	75.56	62.89
	2016	81.60	67.92
(2) Charge per 1,000 gallons	2011	$4.16	$4.16
	2012	4.33	4.33
	2013	4.50	4.50
	2014	4.68	4.68
	2015	4.91	4.91
	2016	5.31	5.31
b. If more than 7,000 gallons per month, charge per 1,000 gallons	2011	$13.16	$11.04
	2012	13.68	11.49
	2013	14.23	11.95
	2014	14.80	12.42
	2015	15.54	13.05
	2016	16.78	14.09

Non-Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
Extra Strength Wastewater			
1. Charge per 1,000 gallons of water usage, use the following formula: 0.857 + 0.143(SSm/200) multiplied by applicable rate	2011	$10.36	$8.70
	2012	10.77	9.05
	2013	11.20	9.42
	2014	11.65	9.79
	2015	12.23	10.28
	2016	13.21	11.10
2. Charge per 1,000 gallons of wastewater discharge, use the following formula: 0.857 + 0.143(SSm/200) multiplied by applicable rate	2011	$13.16	$11.04
	2012	13.68	11.49
	2013	14.23	11.95
	2014	14.80	12.42
	2015	15.54	13.05
	2016	16.78	14.09

"]

SECTION 7. Chapter 14, Revised Ordinances of Honolulu 1990, is amended by adding a new Appendix 14-B to read as follows:

"Appendix 14-B

SEWER SERVICE CHARGE SCHEDULES

The charges in column 1 apply to all customers, except those customers for which a sewer service contract/agreement exists between the customer and the City and County of Honolulu which provides that column 2 charges shall apply. Sewer service contracts/agreements that allow column 2 charges are intended for customers who have paid their share of capital costs of collection, treatment, and disposal of their wastewater by the city.

A BILL FOR AN ORDINANCE

Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
Single-family and duplex dwellings served by city water system per dwelling unit per month			
1. Monthly base charge	2012	$63.23	$49.87
	2013	65.76	51.86
	2014	68.39	53.94
	2015	71.81	56.64
	2016	77.55	61.17
2. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20%; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor	2012	$3.77	$3.77
	2013	3.93	3.93
	2014	4.08	4.08
	2015	4.29	4.29
	2016	4.63	4.63
Single-family and duplex dwellings not served by city water system per dwelling unit per month	2012	$90.14	$84.08
	2013	94.03	87.45
	2014	97.79	90.94
	2015	102.68	95.49
	2016	110.89	103.13
Multiple-unit dwellings served by city water system per dwelling unit per month			
1. Monthly base charge	2012	$43.47	$34.28
	2013	45.21	35.66
	2014	47.02	37.08
	2015	49.37	38.94
	2016	53.32	42.05

A BILL FOR AN ORDINANCE

Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
2. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20%; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor	2012	$3.77	$3.77
	2013	3.93	3.93
	2014	4.08	4.08
	2015	4.29	4.29
	2016	4.63	4.63
Multiple-unit dwellings not served by city water system per dwelling unit per month	2012	$70.65	$55.72
	2013	73.47	57.95
	2014	76.41	60.27
	2015	80.23	63.28
	2016	86.65	68.34

Non-Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
Domestic Strength Wastewater: 1. Metered Water Usage			
(1) Monthly base charge per Equivalent Single Family Dwelling Unit (ESDU)	2012	$63.23	$49.87
	2013	65.76	51.86
	2014	68.39	53.94
	2015	71.81	59.64
	2016	77.55	61.17
(2) Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20%	2012	$3.77	$3.77
	2013	3.93	3.93
	2014	4.08	4.08
	2015	4.29	4.29

A BILL FOR AN ORDINANCE

Non-Residential Sewer Service Charges			
	Effective July 1 of:	**1**	**2**
	2016	4.63	4.63
2. Metered Wastewater Discharge (1) Monthly base charge per Equivalent Single Family Dwelling Unit (ESDU)	2012	$63.23	$49.87
	2013	65.76	51.86
	2014	68.39	53.94
	2015	71.81	59.64
	2016	77.55	61.17
(2) Charge per 1,000 gallons	2012	$3.77	$3.77
	2013	3.93	3.93
	2014	4.08	4.08
	2015	4.29	4.29
	2016	4.63	4.63
Extra Strength Wastewater			
1. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20%, use the following formula: 0.857 + 0.143(SSm/200) multiplied by applicable rate	2012	$3.77	$3.77
	2013	3.93	3.93
	2014	4.08	4.08
	2015	4.29	4.29
	2016	4.63	4.63
2. Charge per 1,000 gallons of wastewater discharge, use the following formula: 0.857 + 0.143(SSm/200) multiplied by applicable rate	2012	$3.77	$3.77
	2013	3.93	3.93
	2014	4.08	4.08
	2015	4.29	4.29
	2016	4.63	4.63

SECTION 8. Ordinance material to be repealed is bracketed. New material is underscored except for Appendix 14-B which is a total replacement. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinance of Honolulu, the reviser of ordinances need not include the brackets, the bracketed materials, or the underscoring.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **3 (2012), CD2**

A BILL FOR AN ORDINANCE

SECTION 9. This ordinance shall take effect July 1, 2012.

INTRODUCED BY:

Ernest Martin (BR)

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION:

_____

January 23, 2012
Honolulu, Hawaii

_____
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20___.

_____
PETER B. CARLISLE, Mayor
City and County of Honolulu