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## A BILL FOR AN ORDINANCE

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RELATING TO EROSION, SEDIMENT, AND POLLUTION CONTROL.

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

SECTION 1. Purpose. The City and County of Honolulu's National Pollutant Discharge Elimination System Permit, NPDES Permit No. HI S000002 ("Permit") requires the City to effectively prohibit non-storm water discharges through its Municipal Separate Storm Sewer System ("MS4") to State Waters. In addition, the City's Permit also requires the City to maintain a Construction Site Management Program to reduce the discharge of pollutants from construction sites to the MS4 and State Waters to the maximum extent practicable.

The purpose of this bill is to establish a regulatory framework for attaining compliance with the above-stated requirements and to create a source of funding that is needed to offset the City's cost in implementing new requirements for erosion control and water quality protection.

SECTION 2. Section 14-13.3 of the Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "director" to read as follows:

"Director" means the director of [the department of land utilization of the City and County of Honolulu] planning and permitting of the city or [such person's] the director's duly authorized representative."

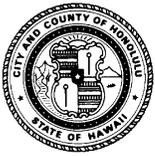
SECTION 3. Section 14-13.1 of the Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 14-13.1 Purposes.**

The purposes of Articles 13 through 16 of this chapter are to provide standards to protect property and to promote the public health, safety and welfare by regulating and controlling grading, grubbing, stockpiling, soil erosion, ~~and~~ sedimentation, and land disturbing development within the city. The public health, safety, and welfare require that environmental considerations contribute to the determination of these standards insofar as they relate to protecting against erosion and ~~[sediment production]~~ pollution."

SECTION 4. Section 14-13.2 of the Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 14-13.2 Scope.**



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Articles 13 through 16 of this chapter set forth the rules and regulations for the control of land disturbing development activities, grading, grubbing, stockpiling, soil erosion and sedimentation; establish the administrative procedure and minimum requirements for issuance of permits; and [provides] provide for the enforcement of such rules and regulations."

SECTION 5. Chapter 14, Article 13 of the Revised Ordinances of Honolulu 1990 ("General Provisions for Grading, Soil Erosion and Sediment Control"), is amended by adding a new Section 14-13.6 to read as follows:

**"Sec. 14-13.6 Erosion and sediment control plans.**

- (a) Notwithstanding any other law to the contrary, it is unlawful for any person to perform, participate in, or allow any development or land disturbing activity that requires a building permit, grading permit, stockpiling permit, or trenching permit without an erosion and sediment control plan that is approved the director.
- (b) All development and land disturbing activities that require a building permit, grading permit, stockpiling permit, or trenching permit must be performed in compliance with erosion and sediment control plan approved by the director. All project sites subject to an erosion and sediment control plan must be maintained in compliance with the erosion and sediment control plan approved by the director.
- (c) Erosion and sediment control plans approved by the director must effectively prohibit the discharge of pollutants from construction sites and land disturbing activities to the municipal separate storm sewer system and state waters to the maximum extent practicable. The director may condition the approval of an erosion and sediment control plan on the implementation and maintenance of any best management practices that are intended or designed to address erosion control, run-on control, run-off control, sediment control, pollution control, post-construction pollutant control, low impact development standard or objectives, and water quality.
- (d) Prior to accepting an erosion and sediment control plan for review, the director must collect an erosion and sediment plan review fee of \$250.00. If the director requires revisions or alterations to a proposed erosion and sediment control plan, a separate plan review fee of \$100.00 must be collected prior to review of the revised or amended erosion and sediment control plan. If development or land disturbing activities are commenced prior to approval of the related erosion and sediment control plan, the director must collect a double plan review fee for each erosion and sediment control plan reviewed by the department. All fees for



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erosion and sediment control plan review are to be deposited into the general fund.

- (e) The director may adopt and enforce administrative rules to implement the requirements of this section.
- (f) Compliance with this section will not relieve a person of responsibility for complying with any other law, including but not limited to ordinances and statutes that prohibit the discharge of pollutants to the municipal separate storm sewer system."

SECTION 6. Section 14-14.4 of the Revised Ordinances of Honolulu 1990 ("Permit fees"), is amended by amending subsection (a) to read as follows:

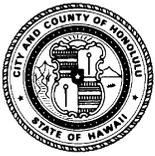
"(a) Prior to issuance of a grading permit, a permit fee for grading on the same site based on the volume of excavation or fill measured in place, whichever is greater, will be collected according to the following schedule:

<b>Volume of Material</b>	<b>Permit fee</b>
1,000 cubic yards or less	<u>\$505.00 plus \$55.00 for each 100 cubic yards or fraction thereof</u>
More than 1,000 to less than 10,000 cubic yard	<del>[\$555.00]</del> <u>\$1,000.00</u> for the first 1,000 cubic yards plus \$55.00 for each additional 1,000 cubic yards or fraction thereof
10,000 cubic yards or more	<del>[\$1,030.00]</del> <u>\$1,480.00</u> for the first 10,000 cubic yards plus \$35.00 [per] <u>for each additional</u> 1,000 cubic yards or fraction thereof

The fee for a permit authorizing work additional to that under a valid permit will equal the difference between the fee paid for the original permit and the fee computed for the entire project. "

SECTION 7. Section 14-17.1 of the Revised Ordinances of Honolulu 1990 ("Permit required--Application--Insurance--Bond--Permit fee"), is amended by amending subsection (c) to read as follows:

"(c) Before issuing a permit, the chief engineer shall:



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- (1) Require the presentation of a plan, drawn to scale, showing the location of each proposed excavation and the dimensions thereof including the surface area of said opening in paving, sidewalk and other structures, the nature, size, length and purpose of the structure to be installed therein, and such other details and information as the chief engineer may require to be shown upon ~~such~~ the plan. In lieu of the plan, a single line sketch, drawn to scale, may be submitted to show the location of each excavation for a service connection, for location of trouble or for repair to utilities;
- (2) Obtain clearance from city departments having underground installations and from the various utility companies prior to issuance of the permit;
- (3) Collect a permit fee based on the schedule below. The permit fee shall not be refundable even if the applicant, after issuance of the permit, decides not to proceed with the construction.

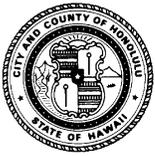
(A)

<b>Work</b>	<b>Permit Fee</b>
Service connection . . . . .	. <del>[\$20.00]</del> <u>\$50.00</u>
Repairs to utilities . . . . .	. <del>[\$20.00]</del> <u>\$50.00</u>
Trench for installation of pipelines, underground cables, etc. for the first 20 lineal feet, plus \$10.00 for each additional 10 lineal feet or any fraction thereof.....	<del>[\$55.00]</del> <u>\$195.00</u>

(B) When the work is performed by or on behalf of the city ~~[except the board of water supply, the state or the federal government, the chief engineer shall waive the collection of any permit fee.],~~ the permit fee will be waived.

All permit fees shall be deposited in the highway fund."

SECTION 8. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 9. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ron Menor (br)

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DATE OF INTRODUCTION:

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March 2, 2017

Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu