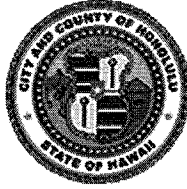


DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
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RICK BLANGIARDI
MAYOR



June 29, 2021

WESLEY T. YOKOYAMA, P.E.
DIRECTOR

MICHAEL O'KEEFE
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
DIR 21-33

The Honorable Carol Fukunaga, Chair
and Members
Committee on Public Infrastructure and Technology
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Councilmember Fukunaga and Councilmembers:

SUBJECT: Bill 2 – Amending Public Works Infrastructure Requirements

We have reviewed your proposed CD1 to Bill 2 to add Section 3 to define the term “pass-through” with a hyphen rather than “pass through” and to use “pass-through” throughout the article to ensure consistency, which makes sense.

However, upon consultation with both the Department of Corporation Counsel and our Regulatory Control Branch team, there are some concerns with doing this:

1. The ROH and Department of Health regulations are based upon Federal regulations (Code of Federal Regulations, or “CFR”). “Pass through” is how 40CFR403 and EPA documents spell the term.
2. Upon further review of the existing ROH verbiage, we found that the ROH uses the term “pass through” and “pass-through” interchangeably throughout Chapter 14 Articles 1 and 5.

To address this inconsistency, we offers two solutions:

1. Keep Bill 2 as is. The purpose of Bill 2 was intended to be narrow and focused on items that arose either as a result of DOH’s audit of the pretreatment program to conform with the federal pretreatment regulations, and to implement local limits via administrative rulemaking instead of via ordinance. ENV will reconcile the verbiage in a future larger revision to ROH Chapter 14, which ENV is pursuing; *or*
2. Revise CD1 as follows:

DEPT. COM. 486

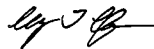
The Honorable Carol Fukunaga
Chair on Committee on Public Infrastructure and Technology
June 29, 2021
Page 2

SECTION 3. Section 14-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Pass through" to read as follows:

"Pass through or "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.

Should you have any questions, please contact me at (808) 768-3486.

Sincerely,



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Yokoyama, Wesley
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Date: 2021.06.29 13:32:51
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Wesley T. Yokoyama, P.E.
Director

APPROVED:



Michael D. Formby
Managing Director