SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 59 (2025)
RELATING TO SEWER SERVICE CHARGES.

The PROPOSED CD1 makes the following amendments:

A. In SECTION 2 of the bill, amends subdivision (10) of ROH § 43-1.8(g) by removing new ROH material that was not underscored (*i.e.*, Ramseyered).

B. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **59 (2025), CD1**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO SEWER SERVICE CHARGES.

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

SECTION 1. Purpose. The purpose of this ordinance is to address sewer service charges.

SECTION 2. Section 43-1.8, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 43-1.8 Use of public sewers—Restrictions—Violations.**

(a) [~~No~~] A person [~~shall~~] may not discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or any other source of inflow into any public sewer or any private sewer that 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~~] that is connected to the public sewer.

(b) [~~No~~] A person [~~shall~~] may not 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 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~~] does 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~~] A person or party [~~shall~~] may not 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~~] must be sealed watertight.

(d) [~~No~~] A person [~~shall~~] may not fill or backfill over, or cause to be covered or obstruct access to, any sewer manhole.

(e) [~~No~~] A person [~~shall~~] may not 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 § 403.5 are incorporated into this chapter by reference.

(g) [~~No~~] A person [~~shall~~] may not 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 that may cause obstruction, upset, pass through, or interference with the operation of the POTW or may impact public health or the environment;

(2) Pollutants that 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 Celsius using the test methods specified in 40 CFR § 261.21. At no time [~~shall~~] may two successive readings on an explosion hazard meter at the point of discharge into the system be over 5 percent, nor [~~shall~~] may any single reading be over 10 percent of the lower explosive limit of the meter;

(3) Pollutants that 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 that may cause obstruction to the flow in the POTW resulting in interference;

(5) Any pollutant, including oxygen-demanding pollutants ([~~BOD,~~] those with high BOD_5 levels, etc.), released in a discharge at a flow rate or pollutant concentration, or both, that may cause pass through or interference in the POTW;

(6) Heat in the amounts that may inhibit biological activity in the POTW resulting in interference[~~, but in no case shall~~]; provided that heat may not be permitted in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit);

(7) Pollutants that 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~~] includes, but is not limited to, any pollutant identified pursuant to § 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 § 43-1.2,~~] slugs, without notification to the POTW;

(12) Water or wastes that have been contaminated by radioactive materials;

(13) Water added for the purpose of diluting wastewater[~~, which~~] that would otherwise exceed applicable maximum concentration limitations set by the POTW or the federal categorical pretreatment standards;

(14) Water or wastewater that violates the local limits developed by the city;

(15) Wastewater with concentrations exceeding national categorical pretreatment standards adopted by the [~~U.S. Environmental Protection Agency~~] EPA in accordance with § 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 through 471, are incorporated into this section. These standards, unless specifically noted otherwise, [~~shall be~~] are in addition to all applicable pretreatment standards and requirements set forth in Articles 1 through 10 and, if more

stringent than limitations imposed under this section, [~~shall~~] immediately supersede the limitations imposed under this section;

(16) Any substance that 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~~] that may interfere with the reclamation process. [~~In no case shall a~~] A substance discharged to a city wastewater treatment plant may not cause it to be in noncompliance with sludge use or the disposal criteria, guidelines, or regulations developed under § 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 criteria applicable to the sludge management method being used;

(17) Any substance that may cause the city's wastewater treatment plant to violate its national pollutant discharge elimination system permit or State 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 an adverse impact on [~~the~~] public health or the environment.

(h) A pretreatment device [~~shall be~~] is required when deemed necessary by the director for users that 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~~] must be designed, sized, constructed, installed, and maintained such that they comply with:

(A) All applicable federal, State, and local discharge limits; and

(B) All department policies and rules, as amended.

(2) All pretreatment devices [~~shall~~] must be maintained in efficient operation at all times by the owner at the owner's expense. The maintenance frequency [~~shall~~] must 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 [~~shall~~] must be established by the recommendation of the manufacturer of the pretreatment device. In maintaining these pretreatment devices, the owner [~~shall be~~] is responsible for the proper removal and disposal by appropriate means of the captured material, and [~~shall~~] must maintain records of the dates, amounts, and means of disposal, all of which [~~shall be~~] are 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_5 shall pay a surcharge in accordance with § 43-6.6 to the city based on the extent to which such wastewater shall contain an excess over the foregoing limitation of concentration.~~]

[~~(j)~~](i) Where preliminary treatment facilities are provided for any wastewater as a condition of its acceptance, they [~~shall~~] must be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

[~~(k)~~](j) When required by the director, the owner of any property served by a building sewer carrying industrial wastewater [~~shall~~] must install monitoring and recording equipment, and a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastewater. [~~Such~~] The manhole [~~shall~~] must be readily accessible and safely located, and [~~shall~~] must be constructed in accordance with plans approved by the director. If applicable, the manhole [~~shall~~] must be designated in the industrial user's wastewater discharge permit as its approved sampling location. The manhole [~~shall~~] must be installed and maintained by the owner at the owner's expense.

[~~(l)~~](k) All pretreatment program monitoring activities discussed in Articles 1 through 10 [~~shall~~] must be conducted in accordance with the methods and procedures in 40 CFR Part 136, as amended, and [~~shall~~] must be made at the sampling location identified in the industrial wastewater discharge permit.

[~~(m)~~](l) 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~~] may 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 that are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

[~~(n)~~](m) Any discharge that would be considered a hazardous waste, as defined by [~~any one or more of the following: the~~] State or federal laws or regulations, [~~shall be~~] is prohibited from the sewer system.

[~~(o)~~](n) In addition to complying with Articles 1 through 10, all industrial users [~~shall~~] must 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 adopted 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~~] may 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 Articles 1 through 10."

SECTION 3. Section 43-5.12, Revised Ordinances of Honolulu 2021 ("Pretreatment of industrial wastewaters"), is amended by amending subsection (e) to read as follows:

"(e) Dilution is prohibited as a substitute for pretreatment as stated in [~~§ 43-1.8(m).~~] § 43-1.8(l)."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu 2021, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Val A. Okimoto

DATE OF INTRODUCTION:

August 8, 2025
Honolulu, Hawai‘i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___ .

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Sewer Service Charges; Public Sewers; Nonresidential Strength Surcharges; Industrial Users; Wastewater; Department of Environmental Services ("ENV")

Description:
Repeals the requirement that industrial users who discharge or cause to be discharged certain wastewaters into the public sewers pay a surcharge in accordance with ROH Section 43-6.6 ("Nonresidential strength surcharges"), consistent with the repeal of that section by Ordinance 25-27 (Bill 60 (2024), CD2, approved on June 24, 2025).

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.