

# ENVIRONMENTAL LAWS AND ORDINANCES

## REVISED ORDINANCES OF HONOLULU

### Sec. 14-12.12

#### (a) Private Storm Drain Connection Licenses.

(1) Provides that all connections from non-municipal and private drainage systems to the City-owned separate storm sewer system or MS4 require a storm drain connection license issued by the director.

(8) Where a private drainage system is common to one or more parcels and is owned by more than one property owner, each property owner is required to have a private drain connection license and be responsible for the maintenance of the common private drainage system.

Revised Ordinances of Honolulu 1990 (ROH) database contains the full text of the ROH separated by chapter and article, and is compiled by the Office of Council Services as Revisor of Ordinances. **Logon to [http://www.honolulu.gov/refs/roh/14a10\\_19.htm](http://www.honolulu.gov/refs/roh/14a10_19.htm).**

Any person who willfully, intentionally, recklessly or negligently violates any provision of Article 12 of this chapter, order, permit or license issued hereunder, or any other requirement shall upon conviction be punished by a fine not less than \$1,000.00 nor more than \$25,000.00 or by imprisonment not exceeding 90 days, or both. Unless otherwise provided, this section shall be controlled by the provisions of HRS, Hawaii Penal Code. (Added by Ord. 92-122).

The Storm Water Quality Branch of the City and County of Honolulu's Department of Environmental Services has authority to enforce on the storm drain connection ordinance. Whenever there is a report of an illegal private drain connection to the City-owned MS4 or whenever a private drain connection is found in the field and is suspected to be unauthorized, the following procedures are recommended:

- Conduct a site inspection of the property and the suspected drain connection.
- Confirm that the drain connection: 1) is unlicensed 2) the private drainage system is in favor of the property. If there is not clear connection to the property, inform the property owner, or agent that it is the responsibility of the property owner to determine if the private drain system is for the property.

### HAWAII REVISED STATUTES 342D

- [http://www.capitol.hawaii.gov/hrscurrent/Vol06\\_Ch0321-0344/HRS0342D/](http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342D/)
- Definition(s) of water pollution (HRS 342D-1): [http://www.capitol.hawaii.gov/hrscurrent/Vol06\\_Ch0321-0344/HRS0342D/HRS\\_0342D-0001.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342D/HRS_0342D-0001.htm)
- Potential charges of water pollution (HRS 342D-50): [http://www.capitol.hawaii.gov/hrscurrent/Vol06\\_Ch0321-0344/HRS0342D/HRS\\_0342D-0050.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342D/HRS_0342D-0050.htm)
- Civil penalties for water pollution (HRS 342D-30): [http://www.capitol.hawaii.gov/hrscurrent/Vol06\\_Ch0321-0344/HRS0342D/HRS\\_0342D-0030.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342D/HRS_0342D-0030.htm)

### FEDERAL CLEAN WATER ACT

The major laws and E.O.s can be roughly divided into two categories:

- Laws and E.O.s that influence environmental protection: <http://www.epa.gov/lawsregs/laws/index.html#env>
- Laws and E.O.s that influence EPA's regulatory process: <http://www.epa.gov/lawsregs/laws/index.html#regprocess>

### REFERENCE

*City and County of Honolulu's Department of Environmental Services, Fiscal Year 2008 Annual Report and Permit Reapplication for the City and County of Honolulu Municipal Separate Storm Sewer System NPDES Permit No. HI S000002 Covering the Period July 1, 2007 to June 30, 2008.*



## ILLICIT CONNECTIONS



The City and County of Honolulu responds to the discovery of an illegal connection to the City-owned separate storm sewer system or MS4 with education and enforcement. The preferred method is to focus on storm water pollution prevention before seeking immediate compliance through administrative or punitive remedies in accordance with storm water related ordinances and other environmental laws. Here are answers to some frequently asked questions on Illicit Connections.

### Question: What is an Illicit Connection?

Answer: The Revised Ordinances of Honolulu, Section 14-12.12 defines a private storm drain connection as, "any conveyance of storm water, including but not limited to any drainage pipe, ditch, or swale connected to any drainage facility or separate storm system, including any curb or gutter." An Illicit Connection is an unlawful connection that allows the discharge of non-storm water to the storm drain system. Examples of possible **Illicit Connections**:

- The point at which a private drainage system conveys a concentrated flow to the City Municipal Storm Water System
- Pipe from washing machine tying into storm drain structure
- Sewer service pipe tying into storm structure

### Question: Are there any warning and fines for violators? Where can I find the ordinance?

Answer: The City may issue warnings or fines depending on the severity of the violation from \$1,000 to \$25,000 per violation, per day.

### Question: Why are Illicit Connection detection and elimination efforts necessary?

Answer: The portion of dry weather flows from **Illicit Connections** to the City-owned MS4 results in untreated discharges that contribute pollutants, including oil and grease, nutrients, and bacteria to our streams and ultimately the ocean. These pollutants can degrade water quality and threaten aquatic, wildlife and human health.

### Question: I inherited an older house where I think my indoor plumbing pipes and downspouts have been connected to the City-owned MS4. Can my connections remain under a "Grandfather" rule? What is required?

Answer: No. All connections from non-municipal and private drainage systems to the City-owned MS4 require a storm drain connection license. The license is issued to the property owner by the City and County of Honolulu's Department of Planning and Permitting. Please call 768-8106.

### Question: Who can I call if I suspect a possible illegal private drain connection to the City-owned separate storm sewer system?

Answer: Often, property owners are not aware of the existence of illegal connections between their buildings and the storm drain system. "**Property owner**" means the fee simple owner of record, lessee of record, administrator, administratrix, executive, executrix, personal representative, receiver, trustee, property management agent, or any other individual, corporation, or unincorporated association who has the use, control or occupation of land with claim of ownership, whether the owner's interest be in absolute fee or a lesser estate. The involvement of City, State and/or Federal agencies with enforcement authority may be necessary if the source of an illegal connection involves multiple jurisdictions.

### WHO TO CALL

Agency	Phone Number
Honolulu Police Department (occurring now)	911
Federal Environmental Protection Agency (EPA)	541-2721
State of Hawaii Department of Health Clean Water Branch (DOH)	586-4309
City and County of Honolulu Storm Water Investigation and Enforcement (SWQ)	768-3247
Household Hazardous Waste	768-3201
Storm Drainage Connection Permit	768-8106
City and County of Honolulu Department of Facility Maintenance-potential flood problem (DFM)	768-7890

# WHAT IS POLLUTED RUNOFF?

Oahu is home to nearly one million residents who have a direct effect on our island environment and water quality.

When it rains, water flows over streets and yards carrying the pollutants it picks up into storm drains. The storm drainage system, unlike the sewer system, does not treat runoff that carries pollutants to streams and ultimately the ocean. More specifically, private storm drain connections to the City-owned MS4 discharge pollutants, such as automobile fluids, sediment, and leaves into state waters directly or by conveyance through a drainage facility. This can create a water pollution problem. It can also be a nuisance or hazard.



Detecting illegal cross connections between storm water drainage and sanitary sewer pipe that is below the ground, under a manhole.

# PUBLIC EDUCATION AND INVOLVEMENT

## What can you do?

*Illicit Connection educational outreach actions may include storm drain stenciling; a program to promote, publicize, and facilitate public reporting of Illicit Connections; and distribution of outreach materials on Illicit Connection and household hazardous waste programs.*

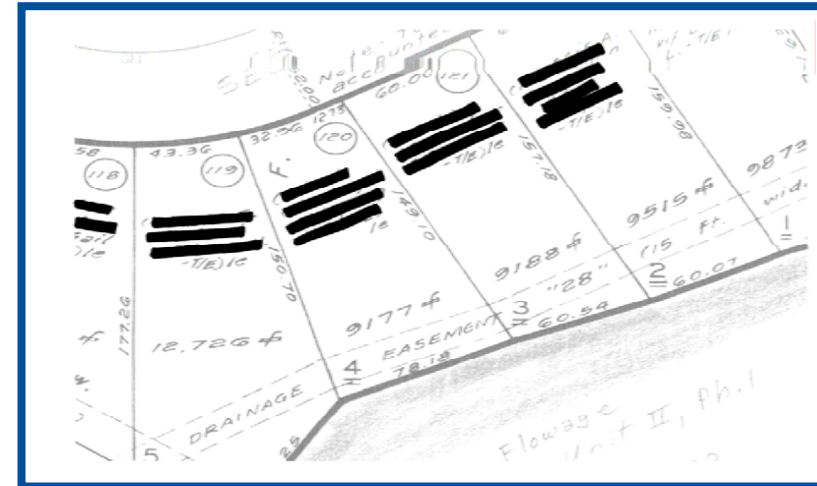
- ✓ Telephone number and website to volunteer, to report Illicit Connections, or to get more information:

**768-3300 or [www.cleanwaterhonolulu.com](http://www.cleanwaterhonolulu.com)**

- Stencil storm drains with the message, "Dump No Waste." This is an important message to remind Oahu residents that the water in the storm drain system receives no treatment or filtering and is completely separate from the City's sewer system. The polluted runoff can carry automobile fluids and sediment, fertilizers, household cleaners, detergents, and leaves into state waters directly or by conveyance through a storm drainage facility, degrading water quality and threatening aquatic, wildlife and human health.
- Public reporting of Illicit Connections.
- Informational brochures, including laws and ordinances.

- ✓ Website to get information on the City's Household Hazardous Waste Program: **[www.opala.org](http://www.opala.org)**

# DETECTION AND ELIMINATION



The City's Storm Water Management Plan to detect and address illicit discharges includes 4 components:

- 1) Locate priority areas likely to have Illicit Connections (drawing on left);
- 2) Trace the source of an Illicit Connection;
- 3) Remove the source of the discharge; and,
- 4) Program evaluation and assessment.

Some Illicit Connections at residential sites are addressed through complaints that have been filed or visual inspections by City staff. Inspectors walk a drainage area to identify Illicit Connections that could contribute pollution to the storm drain system via surface runoff. Below are some common problems.



Where a private drainage system is common to one or more parcels and is owned by more than one property owner, each property owner is required to have a private drain connection license (ROH 14-12.12, (a), 8).



Tracing the nutrient source to a pipe from washing machine tying into a channel, which is a part of the storm drainage system.



Curb drains at a business that discharged contaminated runoff to the City's street drainage system.