

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 595
(Draft 3)

ORDINANCE NO. 92 77

AN ORDINANCE AMENDING CHAPTER 21 OF THE HAWAII COUNTY CODE 1983,
RELATING TO SEWERS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Purpose. In 1972, the Congress enacted the Federal Water Pollution Control Act (PL92-500) to restore and maintain the chemical, physical and biological integrity of the nation's water. As a result of this law and subsequent amendments, the federal government through the U.S. Environmental Protection Agency (EPA) has instituted a construction grants program that provides funding for the major portion of construction costs of municipal wastewater collection, treatment and disposal systems. In order to be eligible to receive these grants, a municipality must have an acceptable sewer user charge system to recover operation, maintenance, and replacement (O,M, & R) costs necessary to properly operate wastewater facilities funded by the program.

The sewer user charge system currently being utilized by the County is not in compliance with the federal guidelines. Updating

and revising the County's sewer user charge system to satisfy current requirements of the State of Hawaii Department (DOH) and EPA are conditions written into present federal grants.

The federal rules and regulations state that an acceptable sewer user charge system must be designed to produce adequate revenues required for operation and maintenance (including replacement). The system shall provide that each user which discharges pollutants that cause an increase in the cost of managing the effluent or sludge from the treatment works shall pay for such increased cost. In essence, the Federal regulations require that the system must collect sufficient revenues to insure that the Federally-funded treatment works are properly maintained and operated and that all users of the system shall pay their proportionate share based on the users' proportionate wastewater loading.

The purpose of this bill is the adoption of such a sewer charge system for the county which will conform to the rules and regulations promulgated by the U.S. Environmental Protection Agency under 40 CFR Part 35 "Grants for Construction of Treatment Works", Federal Register, Volume 49 no. 34, dated February 17, 1984, and satisfy DOH requirements.

SECTION 2. Chapter 21, article 1, section 21-2(a)(1), of the Hawaii County Code 1983, relating to definitions, is amended to read as follows:

"(1) "Accessible to a sewer" means having a sanitary sewer with [or without] laterals available to the lot."

SECTION 3. Chapter 21, article 1, section 21-2, of the Hawaii County 1983, relating to definitions, is amended by adding a new item to be appropriately numbered and to read as follows:

"() "Unoccupied unit" means a unit that is not occupied but has accessibility to a sewer, plumbing fixtures located on it, and currently receives a water bill."

SECTION 4. Chapter 21, article 4, section 21-29, of the Hawaii County Code 1983, is amended to read as follows:

"Section 21-29. Sewer user charges for non-residential customers. Sewer user charges for non-residential customers shall be assessed to all lots accessible to a sewer whether connected or not. User charges for sewer service to non-residential customers, which include industrial, commercial, agricultural, governmental and miscellaneous services users, [and] hotels, [condominiums, townhouses, apartment buildings and dormitories,] and service stations shall be based on water volume usage based on water meter reading and shall be assessed [ninety-five percent of the water bill;] according to the schedule shown under section 21-36.1; provided that water consumed for the purpose of coolers or swimming pools shall not be included in water consumption totals on which these [percentages] rates are based. No sewer charges shall be levied on water used for [irrigations] irrigation or other uses only when separate water meters are installed for such purposes, and the water drawn through such [meter] meters is not discharged into the sanitary system. A minimum monthly charge shall be applicable and

shall be equal to [\$11.50 per month.] the schedule under section 21-36.1. Unoccupied units will be assessed a monthly maintenance fee equal to the current minimum monthly charge."

SECTION 5. Chapter 21, article 4, section 21-29.1 of the Hawaii County Code 1983, is amended to read as follows:

"Section 21-29.1. Charges for private haulers discharging wastewater into a municipal facility.

(a) A minimum charge [of \$10 per load or \$10 per five hundred gallons of wastewater or fraction thereof] according to the schedule shown under section 21-36.1, shall be made for discharging of pumped waste into any municipal system. The hauler shall be responsible for notification of the receiving facility personnel of the type of waste and of the discharge schedule. Preliminary treatment of the wastewater may be required prior to disposing of the waste into the system.

(b) "Pumped waste" shall include cesspool septage, chemical toilet waste, sludge, or any other waste not prohibited under section 21.9.

(c) Private haulers are required to have a valid permit from the wastewater division to discharge wastewater into any municipal facility and shall maintain the following records and information:

- (1) The number of cesspools and other types of wastewater facilities pumped;
- (2) The name and address of the owner of each cesspool or other facility pumped;

- (3) The date of pumping of each cesspool or other facility;
- (4) The location of each cesspool or facility pumped;
- (5) Volume of wastewater pumped at each cesspool or other facility; and
- (6) Disposal site of each for pumped waste from each cesspool or other facility.

(d) Reports containing the tabulated information shall be submitted to the wastewater division no later than thirty days after the last day of the month. Failure to provide the requested information may lead to revocation of the permit."

SECTION 6. Chapter 21, article 4, section 21-31, of the Hawaii County Code 1983, is amended to read as follows:

"Section 21-31. Sewer charges for residential customers shall be assessed to all lots accessible to a sewer whether connected or not. [Monthly] User charges for sewer services to residential customers, which include service for single-family dwellings, duplexes, housing projects, [and service stations] condominiums, townhouses, apartments, and dormitories shall be [\$11.50 per unit] according to the schedule shown under section 21-36.1."

SECTION 7. Chapter 21, article 4, section 21-32, of the Hawaii County Code 1983, is amended to read as follows:

"Section 21-32. Billings of charges; payment; late penalty.

(a) The sewer service charge levied pursuant to this chapter shall be collected by the director of finance or any bank designated by the wastewater division as an agent for collection. Billings for

sewer service charges of non-residential and residential users shall be processed monthly or bi-monthly in accordance with the department of water supply billing cycle. Billing for single family and duplex residential customers shall be processed [monthly] bi-monthly.

(b) Payment shall be made within thirty days after billing. A ten percent penalty shall be imposed upon accounts which are sixty or more days overdue.

(c) Charges for sewer service shall be billed to the same customer as the department of water supply unless otherwise notified in writing by the owner or owners of the lot, parcel of land, building or premises, or their representative.

(d) User fees collected from lots that were classified under accessible but under the revised definition are now classified as not accessible shall be reimbursed for the amount collected."

SECTION 8. Chapter 21, article 4, section 21-33, of the Hawaii County Code 1983, is amended to read as follows:

"Section 21-33. Charges for discontinued service.

(a) For any lot, building, dwelling unit or premises for which connection is made with the sanitary sewerage system [and which begins to discharge sewage, any industrial waste, water or other liquid into one of the sanitary sewerage system, either directly or indirectly after March 3, 1967], a sewer service charge shall be made pursuant to this chapter starting from the first day of the month following the date of connection."

SECTION 9. Chapter 21, article 4, section 21-34, of the Hawaii County Code 1983, is amended to read as follows:

"Section 21-34. Sewer Fund designated; disposition of funds.

The funds received from the collection of the sewer charges authorized by this chapter shall be deposited daily with the director of finance and shall be accounted for and be known as the "County Sewer Fund" and shall be expended for the purpose authorized.

The County Sewer Fund shall consist of [two] three accounts. The first account will be the "User Charge Account" and the revenues for this account will come only from the sewer service charges. Expenditures from this fund shall be limited for the purpose of carrying out the operation and maintenance of the sewage treatment system, including replacement.

The second account will be the "Fixed Cost Account." Expenditures from this account shall be for items such as billing expenses, debt service charges, construction costs, [etc.] and other costs not related directly to the operation and maintenance of sewage treatment system. The revenues for this account will come from the sewer service charges.

The third account will be the "Equipment Replacement Expenses Reserve Account." This account will set aside a portion of the revenue for sewer service charges as a cushion for equipment replacement expenses to compensate for fluctuation in the amount of payment out of the account for equipment replacement.

This financial management system shall be maintained by the wastewater division and based on an adequate budget identifying the basis for determining the annual operating and maintenance cost and costs of personnel, material, energy, and administration."

SECTION 10. Chapter 21, article 4 of the Hawaii County Code 1983, is amended by adding a new section on wastewater service charge rates to read as follows:

"Section 21-36.1. Wastewater Service Charge Rates

Effective Date*
7/01/92 7/01/93

A. Residential Sewer Service Charges:

1. Single Family Dwelling including duplexes
Monthly Base Rate Charge per Unit..... \$14.00 \$18.00
2. Multi Unit Dwelling, including condominiums, townhouses, apartments, and dormitories
Monthly Base Rate Charge per Unit..... \$14.00 \$18.00
Monthly Usage Charge per 1000 gallons
(after the first 8000 gallons) per Unit.... \$ 2.20 \$ 2.20
3. Minimum Monthly Charge per Unit..... \$14.00 \$18.00

B. Non-residential User Charges:

1. Non-residential charges per 1000 gallons of metered water usage..... \$ 2.20 \$ 2.20
2. Service Stations..... \$14.00 \$18.00
3. Minimum Monthly Non-Residential Charges.... \$14.00 \$18.00

C. Private Haulers Discharge Fee:

1. Discharge fee per 500 gallons or fraction thereof..... \$20.00 \$30.00
2. Minimum Charge per load..... \$20.00 \$30.00"

*Rate begins on first full billing cycle after effective date.

SECTION 11. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 12. If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 13. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawaii

Date of Introduction: June 3, 1992
Date of 1st Reading: June 3, 1992
Date of 2nd Reading: June 17, 1992
Effective Date: June 25, 1992