

Thoughts on Changes to HCC 21 and DEM Article III Sewer Rules

State HAR §11-62-06(b) Wastewater General requirements

Owners shall comply with these requirements: (a)...(b) All buildings and places of assembly generating wastewater or with toilets, sinks, drains, or other plumbing fixtures capable of conveying wastewater and located within or near [proximity of] an available public sewer system as determined by the director, shall connect to the public sewer.

I. DEM Article III Sewer Monitoring Rules

- Adopt the revisions that were proposed as Article III Rule 20 on 11/19/20
- Require DEM to set a timeline to execute a corrective action plan.
- Develop criteria that would trigger a lateral owner to do inspection and/or set up some kind of maintenance schedule.

II. HCC 21 - Subdivisions

- Update to require new subdivisions to connect to public sewers
- Redefine “accessible” to existing and planned public sewers to be what DEM decides is reasonable

III. HCC 21 - Residential Sewer Fees

- Sewer charges should be based on “lots” that have “fixtures capable of conveying wastewater” and are accessible to public sewer, whether connected or not, as in existing Section 21-31.
 - Define “lot” – probably by TMK.
 - Eliminate other terms used for buildings, units, dwelling, connecting pipes, sewer properties, etc. when referencing the flat fee for residential properties.
- Define “residential” vs nonresidential vs commercial insofar as fees are concerned. Residential gets a flat fee. Nonresidential/commercial is quite variable and properly a function of use volume.
- Redefine or eliminate the use of “Unoccupied Unit” (defined as: “means a unit that is not occupied but has accessibility to a sewer, plumbing fixtures located on it, and currently receives a water bill”). Delete last phrase ~~“and currently receives a water bill.”~~
 - A residential lot if accessible to a public sewer should be charged, regardless. Perhaps make a hardship variance available.
- The flat fee should be a function of what the maximum discharge to the public sewer pipe could be (a function of the size of the last pipe connection) and should be a fair charge considering actual operation and maintenance costs.