

- (b) The city shall maintain and repair (and operate as the case may be) only structures in improved drainage facilities which have been constructed to city standards and have been accepted or constructed by the city.
- (c) The cleaning of debris from public or private drainways may be performed as part of any general cleanup or beautification program of the city but shall not be performed as a part of maintenance and repair of drainage facilities; however, the chief engineer may cause to be removed any potential obstruction to the operation of any culvert, gate, bridge or drain opening, or similar drainage structure which has been accepted or constructed by the city.

(Sec. 16-6.16, R.O. 1978 (1983 Ed.))

Sec. 14-12.17 Exception.

This article shall not apply to the construction of any drainage facility for subdivisions, the final subdivision map of which has been approved by the city planning department within 30 days of the approval date of this article, nor to any drainage improvement where participation by the city has been approved by the chief engineer prior to the approval date. (Sec. 16-6.17, R.O. 1978 (1983 Ed.))

Sec. 14-12.18 Inequities.

Whenever the chief engineer finds that the apportionment of costs, as proposed in this article, would result in inequities, the chief engineer is authorized and directed to submit his or her recommendations to the council as to how such inequities may be corrected. (Sec. 16-6.18, R.O. 1978 (1983 Ed.))

Sec. 14-12.19 Provisions subject to state statutes.

- (a) Any drainage facility, open drainway or other similar facility which extends to the shoreline may be subject to the provisions of HRS Chapter 205A, Part III.
- (b) In such case, approval of the appropriate agency is required before approval of any construction plans may be granted by the chief engineer.

(Sec. 16-6.19, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 14-12.20 Federal aid projects.

- (a) The contents of this article may be adjusted, modified or deleted to meet federal requirements under a federal aid project.
- (b) In the case of federal projects, the city may obtain the necessary channel right of way in such form as required by federal regulations.

(Sec. 16-6.20, R.O. 1978 (1983 Ed.))

Sec. 14-12.21 Approval denied.

The chief engineer shall disapprove any drainage facilities, open drainways and other similar facilities which do not conform with the provisions of this article. (Sec. 16-6.21, R.O. 1978 (1983 Ed.))

Sec. 14-12.22 Discharge of effluent other than storm water runoff--Violation.

- (a) No person shall discharge any effluent other than storm water runoff onto any public right of way and/or into any drainage facility without first obtaining a permit from the chief engineer. The chief engineer will only issue a permit upon application when the chief engineer determines that such discharge will not create a drainage or pollution problem or cause a violation of any provisions of the city NPDES permit. The chief engineer may condition the granting of the permit with requirements to prevent drainage and/or pollution problems or mitigative measures which will meet any conditions of the city NPDES permit. Except for those nonstorm water discharges authorized by the city NPDES permit, no discharge shall commence unless an NPDES permit is first obtained from the department of health, State of Hawaii, for the discharge of any pollutant into state waters through the municipal separate storm sewer system.
- (b) Any person desiring the permit required under this section shall apply to the chief engineer on form(s) prescribed by the chief engineer.
- (c) Any permit issued under this section shall be for the duration of the effluent discharge but shall not extend beyond the term of the city's NPDES permit. The permit shall meet any conditions of the city's NPDES permit.
- (d) A fee of \$200.00 shall be required for each permit application. All application fees collected shall not be refundable. When the discharge is performed by or on behalf of the city, state or federal government, the collection of the permit fee shall be waived. All permit fees shall be deposited into the highway fund.
- (e) Any discharge which violates any condition of the permit or the state water quality standards in Chapter 11 54, Hawaii Administrative Rules (HAR), shall also be a violation of Article 12 of this chapter and may result in a cease and desist order. In addition, the city by written notice may terminate the permit for any discharge which violates any condition of the permit or the state water quality standards in Chapter 11-54, HAR.
- (f) Failure to obtain a permit required under this section shall be a violation of Article 12.

(Sec. 16-6.22, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 92-122, 96-34, 03-12, 14-4)

Sec. 14-12.23 Environmental quality control--Violation.

- (a) It shall be unlawful for any person to discharge or cause to be discharged any pollutant into any drainage facility which causes a pollution problem in state waters, or causes a violation of any provision of the city NPDES permit or the water quality standards of the State of Hawaii.
- (b) It shall be unlawful for any person to discharge or cause to be discharged any storm water runoff associated with industrial activity into any drainage facility which causes a violation of any provision of the city NPDES permit.
- (c) It shall be unlawful to discharge domestic wastewater and industrial wastewater into any drainage facility or any separate storm sewer system.
It also shall be unlawful to discharge commercial cooking oil waste and commercial FOG waste, as defined under Section 14-5A.1, into any drainage facility or any separate storm sewer system.