



# Storm Water Management Program Plan

## Honolulu International Airport

### Introduction



**PROTECT  
OUR WATER**  
MĀLAMA I KA WAI  
STATE OF HAWAII DEPARTMENT OF TRANSPORTATION

STATE OF HAWAII, DEPARTMENT OF  
TRANSPORTATION, AIRPORTS DIVISION  
400 Rodgers Boulevard, Suite 700  
Honolulu, Hawaii 96819-1880

NPDES Permit No. HIS000005

June 2015





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- Attachment II: Consent Decree
- Attachment III: Memorandum of Understanding
- Attachment IV: Program Effectiveness Strategy

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## SWMPP ORGANIZATION

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SECTION	TITLE
<b>A</b>	<b>Public Education and Outreach Program Public Involvement/Participation Program</b> <i>Attachments:</i>
A.1	Print Material
A.2	Tenant Training Example Survey
<b>B</b>	<b>Illicit Discharge/Illegal Connections BMP Program</b> <i>Attachments:</i>
B.1	HNL MS4 Maps
B.2	Storm Drain Outfall Inspection and Field Screening Plan
B.3	Site Investigation Sheet
<b>C</b>	<b>Construction Site Runoff Control Program</b> <i>Attachments:</i>
C.1	Construction Process Flow Chart
C.2	Design Review Checklist
C.3	Notification Form for Sites Less Than One Acre
C.4	Construction Discharge Permit
C.5	Plan Review Comment Sheet and SOP
C.6	Construction Inspection Checklist
C.7	Construction Activities BMP Field Manual
<b>D</b>	<b>Post-Construction Storm Water Management in New Development and Redevelopment Program</b> <i>Attachments:</i>
D.1	Permanent Post-Construction BMP Manual
D.2	Post-Construction BMP Handout
D.3	Retrofit Action Plan
<b>E</b>	<b>Pollution Prevention and Good Housekeeping Program</b> <i>Attachments:</i>
E.1	Maintenance Baseyard Storm Water Pollution Control Plan
E.2	Chemical Applications BMP Plan
E.3	Maintenance BMP Plan
E.4	Action Plan for Erosional Outfalls
E.5	Maintenance Plan for Vegetated Portions of the MS4
E.6	Trash Reduction Plan (to be developed)
<b>F</b>	<b>Industrial and Commercial Activities Discharge Management Program</b> <i>Attachments:</i>
F.1	Tenant Discharge Permit
F.2	NPDES Inspection and Enforcement Manual
F.3	Common Use Areas of the AOA BMP Plan
F.4	T-Hangar Storm Water Pollution Control Plan
F.5	Storm Water Pollution Control Plan Checklist
<b>G</b>	<b>Hydrocarbon Removal and Remediation Program</b>

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**CONTACT NUMBERS**

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**Department of Transportation, Airports Division**

<b>Airport Emergency Service</b> .....	836-6670
<b>Environmental Section Supervisor</b> .....	838-8002
Airport Manager’s Office.....	836-6533
Airport Construction & Maintenance Superintendent.....	836-6481
Airport Operations Duty Manager (CODE 22).....	836-6434
<b>24 Hour Maintenance Facilities Trouble Calls</b> .....	<b>836-6486/6510</b>
Engineering Program Manager.....	838-8835
Oahu District Engineer.....	836-6461
Operations (Ramp) Control Unit Supervisor.....	836-6465
Custodial Unit Superintendent.....	836-6652
Electrical Maintenance Supervisor.....	836-6452
Airfield & Grounds Maintenance Supervisor.....	836-6497
Automotive Maintenance Supervisor.....	836-6490
Grounds Maintenance Supervisor.....	836-6470
ARFF Fire Chief.....	836-6505
Airport Sheriff Detail.....	836-6606
Airport Medical Services Unit.....	836-6643
Airport Communications Unit (Information) Supervisor.....	836-6459

**Department of Transportation, Highways Division**

Storm Water Reporting Hotline.....	831-6714
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**Department of Transportation, Harbors Division**

Storm Water Reporting Hotline.....	587-2076
Environmental Section Supervisor.....	587-1962

**City and County of Honolulu**

Environmental Concern Line.....	768-3300
Storm Drain Permit Connection.....	768-8106
Grading, Grubbing or Stockpiling Permits.....	768-8000
Industrial Discharges to Sanitary Sewer.....	768-8210
Sanitary Sewer Spills/Trouble.....	768-7272
Household Hazardous Waste Disposal.....	768-3201
Recycling Information.....	768-3200

**State of Hawaii, Department of Health**

Clean Water Branch.....	586-4309
Office of Hazard Evaluation & Emergency Response.....	586-4249
Solids and Hazardous Waste Branch.....	586-4226

**State of Hawaii, Department of Land and Natural Resources**

Stream Channel Alteration.....	587-0225
Dam Safety.....	587-0268

**Federal Agencies**

U.S Army Corps of Engineers.....	438-9258
U.S. Coast Guard Marine Safety Office (report spills).....	535-3222
National Response Center (report spills).....	(800) 424-8802
U.S. Environmental Protection Agency, Region 9.....	(415) 947-8000

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## ACRONYMS

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ACOE	Army Corp of Engineers
AIR-EC	DOTA, Engineering Branch, Construction Section
AIR-EE	DOTA, Engineering Branch, Environmental Section
AIR-O	DOTA, Oahu District, Airport Manager
AIR-OAS	DOTA, Oahu District, Airports Operations Duty Manager Office
AIR-OM	DOTA, Oahu District, Maintenance Section
AIR-OMB	DOTA, Oahu District, Facilities Maintenance Unit
AIR-OMF	DOTA, Oahu District, Airfield & Ground Maintenance Unit (Baseyard)
AOA	Air Operations Area
ARFF	Aircraft Rescue Fire Fighting Unit
BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollution Control Technology
BMP	Best Management Practice
CFR	Code of Federal Regulations
CCH	City and County of Honolulu
CM	Construction Manager
COC	Chain of Custody
CODE 22	DOTA, Oahu District, Airports Operations Duty Manager Office
CWB	DOH-Clean Water Branch
DLNR	State of Hawaii Department of Land and Natural Resources
DMR	Discharge Monitoring Reports
DOH	State of Hawaii Department of Health
DOT	State of Hawaii Department of Transportation
DOTA	State of Hawaii Department of Transportation, Airports Division
DPP	City and County of Honolulu Department of Planning and Permitting
EA	Environmental Assessment
EIS	Environmental Impact Statement
ENV	City and County of Honolulu Department of Environmental Services
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
FOD	Foreign Object Debris
HAR	Hawaii Administrative Rules
HAZMAT	Hazardous Material
HEER	DOH-Health Hazard Evaluation & Emergency Response Office
HFD	City and County of Honolulu Fire Department
HNL	Honolulu International Airport
HWY-OM	DOT-Highways Division, Oahu District Maintenance Section
IDDE	Illicit Discharge Detection and Elimination
I&M	Implementation & Monitoring Plan
MEP	Maximum Extent Practicable
MOU	Memorandum of Understanding
MS4	Municipal Separate Storm Sewer System

NAICS	National American Industrial Classification System
NFPA	National Fire Protection Association
NPDES	National Pollutant Discharge Elimination System
NRCS	National Resources Conservation Service, formally the Soil Conservation Service
O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
PPE	Personal Protective Equipment
PSA	Public Service Announcement
QA/QC	Quality Assurance/Quality Control
SIC	Standard Industrial Classification
SPCC	Spill Prevention, Control and Countermeasure
SPM	State Project Manager
SWMP	Storm Water Management Program
SWMPP	Storm Water Management Program Plan
SWPCP	Storm Water Pollution Control Plan (Industrial Activities)
SWPPP	Storm Water Pollution Prevention Plan (Construction Activities)
TIP	Tenant Improvement Projects
TMDL	Total Maximum Daily Loads
TMK	Tax Map Key
USGS	United States Geological Survey
WLA	Wasteload Allocation

## **1.0 INTRODUCTION**

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### **1.1 Background**

The State of Hawaii Department of Transportation, Airports Division (DOTA), owns and operates the Small Municipal Separate Storm Sewer System (Small MS4) as part of the Honolulu International Airport (HNL) on the island of Oahu. The purpose of this small MS4 is to convey storm water away from the structures, runways, taxiways, and roadways in HNL and to discharge it to receiving waters.

Storm water runoff from HNL can include pollutants that can lead to the degradation of receiving water quality. HNL qualifies as a small MS4 as defined in the Code of Federal Regulations (CFR), Title 40, Section 122.26(b)(16). Consequently, DOTA is subject to the requirements under the National Pollutant Discharge Elimination System (NPDES) Program for storm water discharges.

The NPDES program requires DOTA to have a permit for the discharge of storm water from the small MS4 to State Waters. The State of Hawaii Department of Health (DOH) issued NPDES Permit No. HI S000005 for the Small MS4, effective April 14, 2014 and expires at midnight March 13, 2019 (Attachment I).

On January 30, 2006, the United States Environmental Protection Agency (USEPA) and DOH issued the Consent Decree Civil Action No. CV05-00636-HG-KSC (Consent Decree) (Attachment II) to the Hawaii DOT. The Consent Decree includes several requirements for DOTA that relate to the storm water management such as training and inspections. Until its termination, the DOTA will continue to implement those requirements as a part of this Storm Water Management Program Plan (SWMPP).

### **1.2 Purpose and Document Organization**

The purpose of this SWMPP is to consolidate DOTA's various procedures, program activities, and best management practices (BMPs) into a single document in order to address the NPDES and Consent Decree requirements as well as to reduce the discharge of pollutants to and from the MS4 to the maximum extent practicable (MEP) in order to protect receiving water quality. Components of the SWMPP, as generally described in 40 CFR 122.26 and specifically described in the HNL Small MS4 permit are as follows:

- A. Public Education/Outreach Program and Public Participation/Involvement Program
- B. Illicit Discharge/Illegal Connections BMP Program
- C. Construction Site Runoff Control Program
- D. Post-Construction Storm Water Management in New Development and Redevelopment Program
- E. Pollution Prevention/Good Housekeeping BMP Program
- F. Industrial and Commercial Activities Discharge Management Program
- G. Hydrocarbon Removal and Remediation Plan

### **1.2.1 Measurable Milestones**

Each SWMPP Section concludes with two tables to measure program effectiveness. The first table includes measurable standards and milestones that reflect program requirements from the MS4 NPDES permit. These tables will be used to report minimum control measures in the annual report.

The second table includes a list of goals that the DOTA has set in addition to the minimum control measures. These goals provide a more complete evaluation of the effectiveness of program activities and will be used to make changes to the program where necessary. These goals will be reported separately in the annual report and may or may not be met depending upon several variables, including available manpower and funding for a particular year.

## **2.0 AUTHORIZATION AND LIMITATIONS**

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The NPDES MS4 permit authorizes discharges of storm water from the HNL Small MS4 and from the DOTA industrial activities at the maintenance baseyard, 2919 Aolele Street.

### **2.1 Authorized Non-Storm Water Discharges**

In addition to storm water discharges, the NPDES permit also authorizes certain types of non-storm water discharges to the MS4.

- a. Water line flushing;
- b. Landscape irrigation water;
- c. Diverted stream flows;
- d. Rising ground waters;
- e. Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));
- f. Uncontaminated pumped ground water, not including construction related dewatering activities;
- g. Discharges from potable water sources, including emergency eye wash basins and emergency showers, drinking fountains, and foundation drains;
- h. Air conditioning condensate;
- i. Refrigeration unit condensate from ice machines;
- j. Springs;
- k. Water from crawl space pumps, uncontaminated water from utility manholes or boxes, and footing drains;
- l. Water from charity car washes;
- m. Flows from riparian habitats and wetlands;
- n. Exterior building wash water (water only);
- o. Residual street wash water (water only), including wash water from sidewalks, plazas, and driveways, but excluding parking lots; and
- p. Discharges or flows from fire fighting activities.

### **2.2 Limitations**

The following discharges are not authorized under the DOTA NPDES MS4 permit, but may have separate discharge permits.

#### **2.2.1 Industrial Tenant Activities**

Although storm water discharge from HNL's industrial tenants were previously a part of the HNL MS4 permit, the April 14, 2014 version of the permit specifically excludes them. Therefore, tenants were notified to obtain separate general NPDES permits for industrial activities in accordance with HAR 11-55, Appendix B from the DOH. Tenants were notified based on their SIC code, which is a description of their general activities. SIC codes included in 40 CFR 122.26(b)(14)(i)-(ix), and (xi) were considered industrial in nature and are therefore, subject to the separate NPDES requirement. Tenants who could demonstrate that their industrial activities (e.g. fueling, washing, maintenance, chemical storage, etc.) were conducted under cover could apply for a Conditional No Exposure Exclusion (CNEE) from the DOH.

### **2.2.2 Koi Ponds**

HNL includes three decorative koi ponds at the central concourse of the main terminal. Each koi pond is themed and is referred to according to their theme as the Chinese Garden pond, the Japanese Garden pond, and Hawaiian Garden pond. The ponds include overflows that discharge excess fresh water into the HNL MS4. Although this discharge was previously a part of the HNL MS4 permit, the April 14, 2014 version of the permit specifically excludes it. Therefore, the DOTA has obtained a separate NPDES general permit (HI14LE521) under Hawaii Administrative Rules (HAR) 11-55, Appendix L for the discharge.

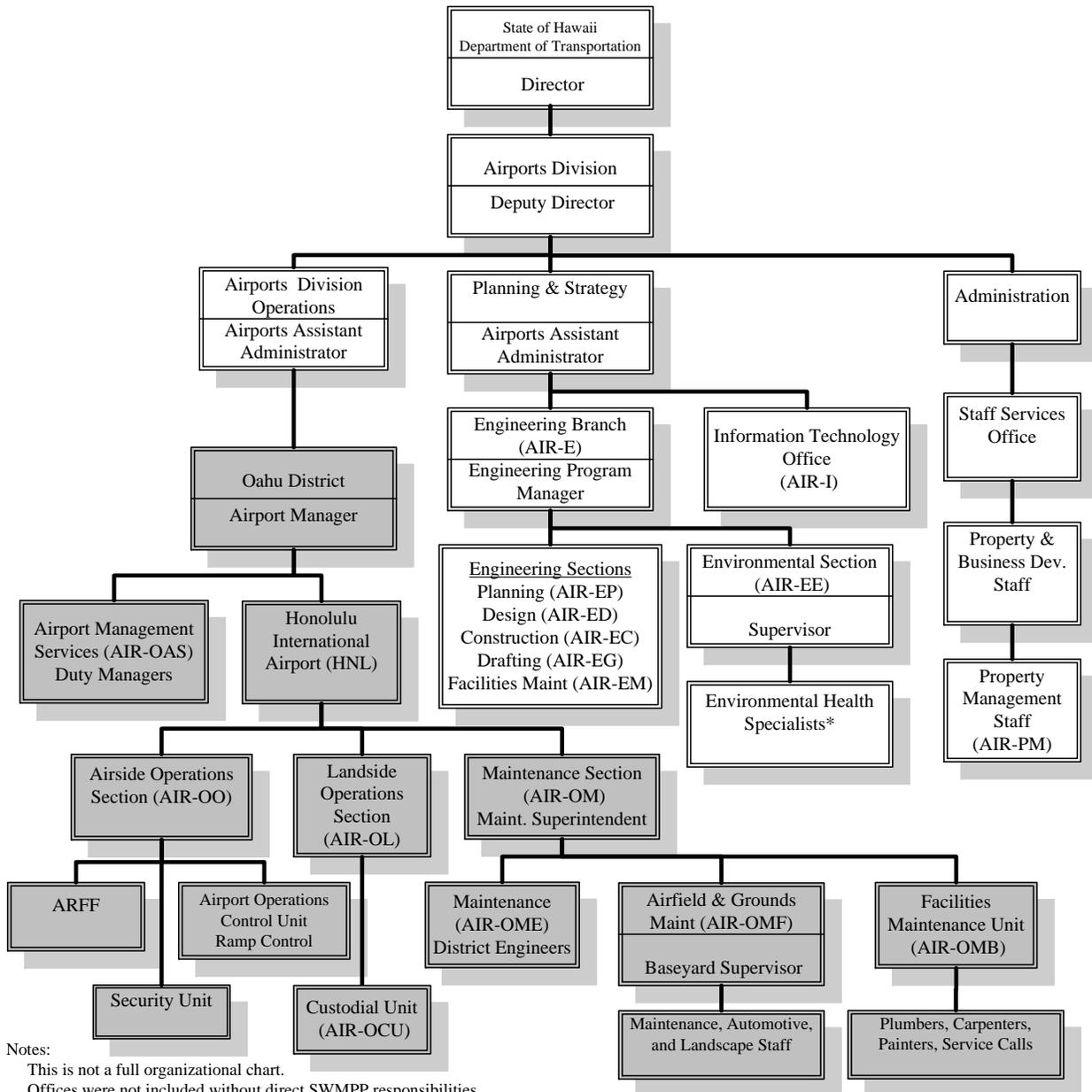
### **2.2.3 Prohibited Non-Storm Water Discharge**

Any individual non-storm water discharge that is determined to be contributing pollutants to the HNL Small MS4 is prohibited. A further discussion of the investigation and enforcement actions associated with this type of illicit discharge is included in SWMPP Section B.

### 3.0 ORGANIZATION

#### 3.1 DOTA Organizational Chart

The implementation of the SWMPP is administered by the DOTA Environmental Section (AIR-EE) with the support of various parties from each program element (see chart below). In general, offices are separated into “Division” offices, which oversee activities at airports throughout the State of Hawaii and “District” offices (shaded below), which oversee activities for airports only within their specific county (in this case, Oahu District).



Notes:  
 This is not a full organizational chart.  
 Offices were not included without direct SWMPP responsibilities.  
 “District” offices are shaded.  
 \*Environmental Health Specialists may be stationed with Districts on neighbor island airports.

### **3.2 SWMPP Associates**

Both the Hawaii DOT Harbors and Highways Divisions also have MS4 NPDES permits for their facilities on the island of Oahu. As such, DOTA exchanges information with both divisions to cultivate mutually beneficial relationships that drive the DOT as a whole toward meeting program objectives.

The DOTA has also fostered relationships with the schools in the area as well as the local community access channel (Olelo) to fulfill public education and involvement objectives.

On March 29, 2000, the DOTA entered into a Memorandum of Understanding (MOU) with the DOH (Attachment III) for the purpose of controlling illicit discharges to the MS4. Specifically, the DOH granted the DOTA the authority to conduct administrative enforcement activities under Hawaii Revised Statutes 342D.

## 4.0 PROGRAM DOCUMENTS

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The DOTA considers the SWMPP a *living* document; therefore, it will be periodically reviewed and updated as necessary to ensure that the discharge of pollutants from the HNL MS4 has been reduced to the Maximum Extent Practicable (MEP) and that the best available technology (BAT) and best conventional pollutant control technology (BCT) is being implemented. Therefore, the following procedures will be used to modify the SWMPP.

All plans associated with the DOTA storm water program are available online at:

<http://hidot.hawaii.gov/airports/doing-business/engineering/environmental/hnl-storm-water-program/>

### 4.1 SWMPP Revision Process

All major modifications will be noted by uploading them on the website under the header *Public Review and Comment* along with the date of upload. The DOH will be notified of the change via email and the public will have 30 calendar days to comment on the plan before it is implemented. Public comments will be reviewed and potentially incorporated into the plan revision before it is formally submitted to the DOH through the e-permitting portal. Once plans have been submitted to the DOH, they will be implemented by the DOTA without delay for review and acceptance by the DOH.

### 4.2 SWMPP Major Modifications

Written notification will be provided to the Director of Health for major modifications. Additionally, all modifications will be included the annual report to the DOH.

#### 4.2.1 Plan Modifications

A major modification to the SWMPP will be considered those that cause a major reduction in the overall scope and/or level of effort. A written notification of major modifications will be made in compliance with 40 CFR 122.62 and submitted to the Director of Health at least 30 calendar days prior to the implementation of the changes.

#### 4.2.2 System Modifications

A major alteration and/or addition to the HNL Small MS4 will be considered those that result in the addition or removal of a pathway to a receiving water (i.e. outfall). A written notification of major system modifications will be submitted to the DOH within 30 calendar days of the completion of the alteration and/or addition.

### 4.3 Annual Monitoring Plan

The DOTA will develop an Annual Monitoring Plan for the storm water sampling activities to be conducted during the fiscal year during a representative storm event. The plan will be submitted to DOH for review and acceptance by June 1<sup>st</sup> of each year. Contact the AIR-EE Supervisor for the latest version of the Annual Monitoring Plan. The plan will include the following information:

#### DEFINITION:

Representative Storm Event – Rainfall that accumulates more than 0.1 inches of rain and occurs at least 72 hours after the previous measurable rainfall (greater than 0.1 inches).

- Storm water monitoring objectives.
- A description of how the results will be used to determine compliance with the MS4 permit.
- Identification of management measures that were determined to be effective or ineffective.
- Sample locations and parameters, including the Maintenance Baseyard industrial activities runoff.
- Procedures for collecting the samples, including the characteristics of the storm event and volume of runoff monitored.
- Required laboratory analytical methods QA/QC procedures.
- Estimated sampling budget for the coming fiscal year.
- Inclusion of I&M plans for TMDLs as they are assigned. \*Note: Receiving waters from the HNL MS4 are not currently assigned TMDLs.

## **5.0 PROGRAM REPORTING**

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The DOTA documents SWMPP implementation efforts made during the fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) in an annual report which is submitted to the DOH and USEPA.

### **5.1 Program Data**

DOTA uses an online database (Enviance) to track the majority of the data obtained while implementing its storm water programs. Additional data is maintained by the DOTA Environmental Health Specialists (EHS) and provided to the appropriate parties when compiling the annual report. These two information streams are pulled together to compile the annual report and review program status when necessary throughout the year.

### **5.2 Annual Report Components**

The annual report, which is compiled and submitted each year by August 31<sup>st</sup>, includes a description of the following basic components:

- NPDES MS4 permit and Consent Decree requirements.
- Activities conducted over the past fiscal year.
- Activities planned for the coming year.
- Resources used for the past fiscal year and an estimate of those required for the coming year.
- Modifications made to the SWMPP and the MS4.
- Program effectiveness (Attachment IV). Graphs, figures, and tables may be used to facilitate the effectiveness assessment.

The annual report is a required submittal as well as an aid in directing resources into the programs that have the greatest impact on improving water quality.

### **5.3 Annual Storm Water Monitoring Report**

The DOTA completes a Storm Water Monitoring Report, which is also submitted by August 31<sup>st</sup> each year that details the efforts made during the fiscal year to conduct storm water sampling. Storm water monitoring results are compared to effluent limitations identified in the MS4 permit as well as Hawaii Administrative Rules (HAR) 11-54 in order to determine whether the DOTA is in compliance and has met monitoring plan objectives. In the future, total maximum daily loads (TMDLs) may be assigned to the watersheds and results will also be compared against those limitations as appropriate. Sampling locations, procedures, and limitations are included in the Annual Monitoring Plan, which is included as SWMPP Section H.

#### **5.3.1 Discharge Monitoring Reports**

Discharge Monitoring Reports (DMR) are included as an attachment to the Annual Storm Water Monitoring Report as required by the DOH. A DMR is completed for each sampling location that includes the parameters to be sampled, the limitations, and the sample results. If a sample was not able to be collected for the fiscal year, then a DMR will be submitted that indicates such.

## 6.0 NPDES MS4 PERMIT REQUIREMENTS

The table below details the requirements from DOTA's MS4 Permit, HIS000005 and the applicable SWMPP Section that addresses that requirement.

**TABLE 1: NPDES PERMIT HIS000005 REQUIREMENTS**

MS4 Permit	Description	SWMPP	Section
A.1.	Comply with SWMPP. Submit revised SWMPP.	Introduction	4.2.1
A.2.	Comply with NPDES permit and Consent Decree.	Introduction	1.1
A.3.	Retain a copy of the NPDES permit.	Introduction	4.0
A.4.	Ensure that everyone complies with NPDES permit.	Section A	1.1
A.5.	Include certification information.	Introduction	ROR
A.6.	Public review for all plans.	Introduction	4.1
A.7.	Submit required documents via DOH e-permitting.	Introduction	4.1
A.8.	Submit annual reports to USEPA.	Introduction	5.0
B.1.	Prohibit non-storm water discharges.	Introduction	2.2.3
B.2.	Permitting non-storm water discharges.	Introduction	2.1.
B.2.	Koi Ponds are not covered by MS4 Permit	Introduction	2.2.2
B.3.	Reduce pollutants to the MEP.	Introduction	4.0
B.4.	Use BAT / BCT to reduce pollutant discharge.	Introduction	4.0
C.1.	Comply with basic water quality criteria.	Section B	3.0
C.2.	Discharge shall not violate HAR 11-54.	Section B	3.0
C.3.	Visually inspect receiving waters during inspections.	Section B	3.2
C.4.	Stop, reduce, or modify polluted discharge.	Section B	3.0
C.5.	Comply with I&M plan for WLAs and TMDLs	Introduction	5.3
D.1.	Develop and submit SWMPP.	Introduction	4.0
D.1.a.	Public Education Plan	Section A	1.0
D.1.a.	Tenant discharges are not covered by MS4 permit.	Introduction	2.2.1
D.1.a.	Branding.	Section A	2.0
D.1.a.(1)	Targeted groups.	Section A	2.0
D.1.a.(2)	Public education activities.	Section A	2.0
D.1.a.(3)	Public education evaluation methods.	Section A	3.0
D.1.b.	Public involvement and SWMPP meeting.	Section A	2.6
D.1.c.(1)	Connection and discharge permits.	Section B	2.1
D.1.c.(2)	Outfall Field Screening Plan.	Section B	3.2
D.1.c.(3)	Track illicit discharge, illegal connection, and spills.	Section B	3.4
D.1.c.(4)	Investigate complaints of illicit discharge.	Section B	3.3
D.1.c.(5)	Procedures for enforcement for illicit discharge.	Section B	3.5
D.1.c.(6)	Prevent and respond to spills.	Section B	2.3
D.1.c.(7)	Facilitate disposal of used oil and toxic materials.	Section B	2.2
D.1.c.(8)	Training on illicit discharge.	Section A	2.1
		Section B	3.1

MS4 Permit	Description	SWMPP	Section
D.1.d.(1)	Requirement to implement construction BMPs.	Section C	5.1
D.1.d.(1)	Construction BMP Field Manual.	Section C	Att C.7
D.1.d.(2)(i)	Review construction BMP plans.	Section C	3.3
D.1.d.(2)(ii)	Require discharge and connection permits.	Section C	3.2.3
D.1.d.(2)(iii)	Require compliance with HAR 11-55, App C.	Section C	3.3
D.1.d.(2)(iv)	Construction plan review checklist.	Section C	Att C.5
D.1.d.(3)(i)	Initial construction site inspection.	Section C	4.2
D.1.d.(3)(ii)-(iii)	Third party construction site inspection.	Section C	4.3
D.1.d.(3)(iv)	Construction inspection checklist.	Section C	Att C.6
D.1.d.(4)	Enforcement response plan.	Section C	5.0
D.1.d.(5)	Referrals to DOH.	Section C	5.3
D.1.d.(6)	Construction program training.	Section A Section C	2.1.3 2.1
D.1.d.(7)	Construction education program.	Section A Section C	2.0 2.2
D.1.e.	Requirements for permanent BMPs.	Section D	1.1
D.1.e.(1)	Revise Permanent Post-Construction BMP Manual.	Section D	Att D.1
D.1.e.(1)	Plan for LID <sup>1</sup> .	Section D	Att D.1
D.1.e.(2)	Plan review for permanent BMPs.	Section D	3.0
D.1.e.(3)	Permanent BMP database.	Section D	4.1
D.1.e(4)(i)	Permanent BMP outreach materials.	Section D	2.2
D.1.e(4)(ii)	Permanent BMP training.	Section A Section D	2.1.3 2.1
D.1.f.(1)(i)	Asset Management System.	Section E	1.2
D.1.f.(1)(i)	Map MS4 structures.	Section E	2.1
D.1.f.(1)(ii)(a)-(b)	Inspection and maintenance of MS4 structures.	Section E	2.3
D.1.f.(1)(ii)(c)	Street sweeping.	Section E	2.4
D.1.f.(1)(iii)	Storm drain placards.	Section E	2.2
D.1.f.(1)(iv)	Retrofit Action Plan.	Section D	Att D.3
D.1.f.(1)(v)	Trash Reduction Plan.	Section E	2.5
D.1.f.(2)(i)	Chemical applications training.	Section E	3.1
D.1.f.(2)(ii)	Chemical application BMPs.	Section E	3.2
D.1.f.(3)(i)	Erosional area inventory <sup>2</sup> .	Section E	5.1
D.1.f.(3)(ii)	Temporary BMPs for erosional areas.	Section E	5.1.1
D.1.f.(3)(iii)	Maintenance plan for vegetated areas.	Section E	5.1.3
D.1.f(3)(iv)	Action Plan for Erosional Outfalls.	Section E	Att E.4
D.1.f.(4)(i)	Maintenance activities BMPs.	Section E	4.1
D.1.f.(4)(ii)	Maintenance personnel training.	Section E	4.2

MS4 Permit	Description	SWMPP	Section
D.1.g.(1)	Tenant discharge permit.	Section F	3.2.1 Att F.1
D.1.g.(2)	Inventory and map of industrial facilities.	Section F	3.1
D.1.g.(3)	Inventory and map of commercial facilities.	Section F	3.1
D.1.g.(4)	Inspection of industrial and commercial facilities.	Section F	3.3 Att F.2
D.1.g.(5)	Industrial facilities SWPCP.	Section F	3.2.2
D.1.g.(6)	Enforcement for industrial and commercial facilities.	Section F	3.4
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Notes: <sup>1</sup>Submitted to DOH on 9/11/14 and used as guidance to update Permanent BMP Manual.

<sup>2</sup>Submitted to DOH and used as guidance to complete erosional area table.

<sup>3</sup>Submitted to DOH on 9/11/14 and used as guidance to update SWMPP Section G.

<sup>4</sup>Submitted to DOH via e-permitting on 7/2/14.

<sup>5</sup>Contact AIR-EE for the latest versions of these reports.

## 7.0 REFERENCES

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- California Stormwater Quality Association. January 2003. *Stormwater Best Management Practice Handbook – Construction & New Development and Redevelopment*.
- City & County of Honolulu, Department of Environmental Services. June 2012. *Storm Water BMP Guide*.
- City & County of Honolulu, Department of Environmental Services. June 2012. *Storm Water Management Program Plan*.
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- Environmental Protection Agency. May 2007. *Developing Your Stormwater Pollution Prevention Plan. A Guide for Construction Sites*.
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- State of Hawaii, Department of Transportation, Harbors Division. March 2015. *Storm Water Management Program Plan, Honolulu and Kalaheo Barbers Point Harbors*.
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- State of Hawaii, Department of Transportation, Airports Division. June 30, 2014. *Organization Chart*.

# ***Attachment I***

***NPDES MS4 Permit HIS000005***

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et. seq.; the "Act"); Hawaii Revised Statutes, Chapter 342D; and Hawaii Administrative Rules (HAR), Department of Health (DOH), State of Hawaii, Chapters 11-54 and 11-55;

**STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
AIRPORTS DIVISION (DOT-AIR)**

(hereinafter PERMITTEE)

is authorized to discharge storm water runoff and certain non-storm water discharges as identified in Part B.2. of this permit from the DOT-AIR Small Municipal Separate Storm Sewer System (Small MS4) and storm water discharges associated with Industrial Activities from the Maintenance Baseyard Facility at the Honolulu International Airport (HNL); and additional storm sewer outfalls that may be identified from time to time by the Permittee,

into Manuwai Canal, Kaloaloa Canal, Mamala Bay, Keehi Lagoon, the Reef Runway Marine Pond adjacent to the HNL (a.k.a. Ahua Pond), including various drainage canals (e.g., drainage canal north of the Maintenance Baseyard Facility), Island of Oahu, Hawaii,

in accordance with the general requirements, discharge monitoring requirements, and other conditions set forth herein, and in the attached DOH "Standard NPDES Permit Conditions," that is available on the DOH, Clean Water Branch (CWB) website at <http://health.hawaii.gov/cwb/site-map/home/standard-npdes-permit-conditions>.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2013, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

This permit will become effective on **April 14, 2014**.

This permit and the authorization to discharge will expire at midnight, **March 13, 2019**.

Signed this 14th day of March, 2014.

  
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(For) Director of Health

**FINAL PERMIT  
March 14, 2014**

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ATTACHMENT: STANDARD NPDES PERMIT CONDITIONS (VERSION 14).  
In case of conflict between the conditions stated in this permit and those specified  
in the Standard NPDES Permit Conditions, the more stringent conditions shall apply.

**Part A. GENERAL REQUIREMENTS**

The Permittee shall:

- Part A.1. Comply with the existing DOT-AIR SWMP Plan until submittal of the revised DOT-AIR SWMP Plan to DOH; and future activities as identified in its last submitted Annual Report. The revised SWMP Plan shall be implemented upon submittal to DOH.
- Part A.2. Comply with all requirements in this permit and Consent Decree, issued on January 29, 2006, until its termination. In case of conflict with any requirement, the more stringent requirement shall apply.
- Part A.3. Retain a copy of this permit and all other related materials and the SWMP, with all subsequent revisions, at the DOT-AIR, HNL office, located at 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819.
- Part A.4. Ensure that anyone working under this permit complies with the terms and conditions of this permit.
- Part A.5. Include the permit number, **HI S000005**, and the following certification with all information required under this permit:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."**
- Part A.6. All "Plans" (e.g., SWMP Plan, Public Education Plan, Enforcement Response Plan, Trash Reduction Plan, Plan for Requiring LID in its Standards; Action plan to address erosion at its outlets, Annual Monitoring Plan, and SWPCPs) shall be available on DOT-AIR website for a minimum of 30 calendar days for public review and comment. DOT-AIR shall notify DOH by email at [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) of the plan on their website within five (5) calendar days of the plan being available. DOT-AIR shall address all comments received within the 30 calendar day period and provide both comments and responses to

DOH with its submittal of the Plan in accordance with the deadline as specified in Part H. All Plans shall be implemented upon submittal regardless of DOH's review and acceptance. If any deficiencies are found by DOH after submittal, the Permittee shall correct the deficiencies to DOH's satisfaction within 30 calendar days or such other time as agreed to in writing and resubmit the plan. In addition to the Plans being available for public comment, the current/existing plans shall also be available on DOT-AIR website.

- Part A.7. All information and reports required under this permit and updates to information on file shall be submitted through the CWB Compliance Submittal Form for Individual NPDES Permits and Notice of General Permit Coverages (NGPCs). This form is accessible through the e-Permitting Portal website at: <https://eha-cloud.doh.hawaii.gov/epermit/View/home.aspx>. If not already registered, you will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool to locate the form. Follow the instructions to complete and submit this form. All submissions shall include a CD or DVD containing the downloaded e-Permitting submission and a completed Transmittal Requirements and Certification Statement for e-Permitting NPDES/NGPC Compliance Submissions Form, with original signature and date.

Hard copies shall be submitted to the following address unless otherwise informed:

Clean Water Branch  
Environmental Management Division  
Department of Health  
919 Ala Moana Blvd. Room 3001  
Honolulu, Hawaii 96814

- Part A.8. The Permittee shall submit annual reports to EPA at the following address:

U.S. Environmental Protection Agency, Region 9  
Attention: WTR-5  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**Part B. DISCHARGE LIMITATIONS**

Part B.1. The Permittee shall effectively prohibit non-storm water discharges through its separate storm sewer system into State Waters and from its Industrial facilities/activities (i.e., Maintenance Baseyard Facility, South Ramp Wash Rack, North Wash Rack, T-Hanger Wash Pad, and Wiki Wiki Wash Rack). National Pollutant Discharge Elimination System (NPDES) permitted discharges and non-storm water discharges identified in Part B.2 of this permit are exempt from this prohibition.

Part B.2. The following non-storm water discharges may be discharged into the Permittee's separate storm sewer system provided that the discharge be identified below, and meet all conditions when specified by the Permittee. In the event that any of the below non-storm water discharges are determined to be a source of pollution by the Permittee, the discharge will no longer be allowed.

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));
- Uncontaminated pumped ground water, not including construction related dewatering activities;
- Discharges from potable water sources and foundation drains;
- Air conditioning condensate;
- Refrigeration unit condensate from the ice machines at the Maintenance Baseyard;
- Irrigation water;
- Springs;
- Water from crawl space pumps, uncontaminated water from utility manholes or boxes, and footing drains;
- Water from charity car washes;
- Flows from riparian habitats and wetlands;
- Exterior building wash water (water only);
- Residual street wash water (water only), including wash water from sidewalks, plazas, and driveways, but excluding parking lots; and
- Discharges or flows from firefighting activities.

The Permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial car washes, etc.) that

will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on the information available to the Permittee) to be significant sources of pollutants to the Small MS4, because of either the nature of the discharges or conditions the Permittee has established for allowing these discharges to the Small MS4 (e.g., non-commercial car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). The Permittee shall document in the storm water management plan any local controls or conditions placed on the discharges, and include a provision prohibiting any individual non-storm water discharge that is determined to be contributing pollutants to the Small MS4.

Note: Discharges from the Koi Fish Ponds at the Chinese, Japanese, and Hawaiian Gardens to State waters are not covered under this permit and shall obtain separate NPDES permit coverage.

- Part B.3. The discharge of pollutants from the Permittee's Small MS4 shall be reduced to the Maximum Extent Practicable (MEP), consistent with Section 402(p)(3)(B) of the CWA. This permit, and the provisions herein, is intended to develop, achieve, and implement a timely, comprehensive, cost-effective storm water pollution control program to reduce the discharge of pollutants to the MEP from the DOT-AIR Small MS4 to waters of the State. MEP is a dynamic performance standard and it evolves as our knowledge of urban runoff control measures increases.
- Part B.4. The discharge of pollutants from the Permittee's Industrial facilities/activities shall be reduced to the appropriate discharge limitations subject to the Best Available Technology currently available (BAT)/ Best Conventional Pollutant Control Technology (BCT) discharge requirement, consistent with the CWA and other respective federal and state requirements for such facilities.

**Part C. RECEIVING WATER LIMITATIONS, INSPECTIONS, AND CORRECTIVE ACTIONS**

- Part C.1. The discharge shall comply with the basic water quality criteria which states:  
"All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:
- Part C.1.a. Materials that will settle to form objectionable sludge or bottom deposits;
  - Part C.1.b. Floating debris, oil, grease, scum, or other floating materials;
  - Part C.1.c. Substances in amounts sufficient to produce taste in the water or detectable off flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in receiving waters;
  - Part C.1.d. High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;
  - Part C.1.e. Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
  - Part C.1.f. Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands."
- Part C.2. The discharge shall not cause or contribute to a violation of any of the applicable beneficial uses or water quality objectives contained in HAR, Chapter 11-54, titled "Water Quality Standards."
- Part C.3. During inspections/screenings as required by this permit, the Permittee shall also visually inspect the receiving state waters (i.e., in the area where the inspection is occurring), effluent, and control measures and Best Management Practices (BMPs) to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in HAR, Section 11-54-4. (e.g., the Permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that

may be toxic or harmful to human or other life). Except, if the discharge first enters the MS4, then the permittee may inspect the discharge when it enters the drainage system rather than at the receiving state water (excluding an upset event, BMP failure, or rainfall events greater than 0.25 inches).

- Part C.4. The Permittee shall immediately take action to stop, reduce, or modify the discharge of pollutants as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Section 11-54-4.
- Part C.5. For TMDLs adopted by DOH and approved by the EPA, the Permittee shall demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document within the timeframe as specified in its Implementation and Monitoring (I&M) Plan.

**Part D. STORM WATER MANAGEMENT PLAN (SWMP)**

The Permittee shall:

Part D.1. Further develop and improve, implement, and enforce a SWMP designed to address the requirements of this permit and reduce, to the MEP, the discharge of pollutants to and from its Small MS4 to protect water quality and to satisfy the appropriate water quality requirements of the Act. To manage the storm water program, additional personnel and increased contractor support is required. The SWMP shall include the following information for each of the SWMP components described in Part D.1.a. to Part D.1.g. below:

- The BMPs, plus underlying rationale, that shall be implemented for each of the program components.
- The measurable standards and milestones for each of the BMPs, plus underlying rationale, including interim measures to aid in determining level of effort and effectiveness of each program component.
- The name or position title and affiliation (e.g., branch/section within DOT-AIR) of the person or persons responsible for implementation or coordination of each program component.
- Monitoring to determine effectiveness of each SWMP component and of the overall storm water program.

Submittal Date. The SWMP shall be updated and modified per the requirements of this permit, be consistent with the format of this permit, shall be submitted to DOH in accordance with Part A.7. within one (1) year after the effective date of this permit, or as otherwise specified, and shall be fully implemented upon submittal. The Permittee shall implement the existing SWMP until submittal of the revision. The SWMP and any of its revisions, additions, or modifications are enforceable components of this permit.

Part D.1.a. Public Education and Outreach

The Permittee shall further develop, improve, and implement an annual comprehensive education, outreach, and involvement program to distribute educational materials to the following Targeted Groups and General Public (Public) or conduct equivalent outreach activities about the impacts of storm water as well as enabling tenants and the public to

identify and report a pollution-causing activity (i.e., spotting an illicit discharge) and the steps that can be taken to reduce pollutants in storm water runoff.

Within 30 calendar days after the effective date of this permit the Permittee shall notify tenants previously covered under the Permittee's Permit they are no longer covered under DOT-AIR's NPDES Permit. The notification shall be extended to tenants not previously covered, but required to obtain NPDES coverage under HAR, Chapter 11-55, Appendix B, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Industrial Activities (General Industrial Storm Water permit). A list of tenants sent the notification shall be submitted to DOH within its Annual Report. This coverage applies to storm water discharges associated with Industrial activities regulated under 40 CFR 122.26(b)(14), except construction activities listed at 40 CFR 122.26(b)(14)(x). The notification shall include information requiring them to apply for coverage from DOH within 30 calendar days of receiving the notice from DOT-AIR and be issued a Notice of General Permit Coverage (NGPC) within 90 calendar days of receiving the notice. As required in Part D.1.g.(2) the Permittee shall annually update its inventory of Industrial facilities and activities and verify General Industrial Storm Water permit coverage or NPDES Conditional "No Exposure" Exclusion or any other applicable NPDES permit has been obtained. For any failure to comply, the Permittee shall implement its Enforcement Policy as required in PartD.1.g.(6).

The program shall be improved through enhanced branding and may implement an employee and tenant environmental awards program. As an organization, DOT Airports, Harbors, and Highways Divisions shall develop and implement an organization-wide branding message regarding storm water and pollution prevention.

The program should create: changes in attitude, knowledge, and awareness; BMP implementation; pollutant load reduction; and changes in discharge and receiving water quality. The SWMP shall include a written Public Education Plan for how the Permittee will reach all targeted audiences and implement the permit requirements described below. The Permittee may fulfill portions of this requirement by cooperating with DOT Highways and Airports Divisions and the City and County of Honolulu's (City) storm water public education program.

- Part D.1.a.(1) *Targeted Groups* - The Permittee shall address the following targeted groups in the Public Education Plan with appropriate messages, and

shall describe outreach activities and anticipated frequencies that each activity will be conducted over the permit term:

- Locations of illicit discharges
- DOT-AIR and HNL employees
- DOT Oahu District Engineers
- DOT-AIR consultants
- DOT-AIR tenants and those that discharge storm water into the DOT-AIR Small MS4 (i.e., neighboring businesses)
- Construction Contractors on DOT-AIR property, including those that discharge storm water into the DOT-AIR Small MS4
- School Children and the General Public, including visitors to the State
- Any other source that the Permittee determines may contribute a significant pollutant load to its Small MS4

Part D.1.a.(2) *General Public* - The Permittee shall include in the Public Education Plan the following activities, with anticipated frequencies that each activity will be conducted over the permit term. The term “General Public” or “Public” shall not be limited to only those with regular access to the airport, such as DOT-AIR employee, tenants, and contractors.

- Public Service Announcements (PSAs)
- School programs
- Telephone number to report illegal discharges to the DOT-AIR Small MS4
- Participation in special events (e.g., storm drain stenciling programs, community clean-ups, citizen watch groups, and “Adopt-A-Storm Drain” programs) and exhibits
- Web site
- Pesticides, herbicides, and fertilizer use program
- Training for the Target Group, etc. on pollution prevention BMPs in the SWMP
- Forming partnerships with HNL tenants and the general public to fulfill the requirements of this program
- Incorporating public meetings/citizen panels to discuss storm water management rules
- Proper disposal of grass clippings, leaves, and other green waste
- Proper storage, disposal/recycling, and spill information for hazardous waste

Part D.1.a.(3) *Evaluation Methods* - The Permittee shall evaluate the progress of the public education program based on the following:

- An annual survey of DOT-AIR and HNL employees, tenants, consultants and contractors to measure both behavior and knowledge relating to storm water. The surveys can be conducted in person at events, on the phone, or using Web-based survey tools. The results of the survey shall be compared to past surveys.
- Number of brochures/information distributed
- Participation in events
- Volunteer hours
- Any other methods that the Permittee determines to be effective

The results of the evaluation shall be summarized in the Annual Report.

Part D.1.b. Public Involvement/Participation

The Permittee shall provide opportunity for tenants and the public in developing, reviewing, and implementing the SWMP. The draft and final SWMP shall be made available on the DOT-AIR Website and at its office. An informational meeting shall be scheduled and announced prior to finalizing the revisions to the SWMP to solicit comments and answer questions from the public. Other activities to involve the public may include providing volunteer opportunities that improve water quality and specific SWMP-related projects, or organizing clean-up events to educate the public about impacts of storm water.

Part D.1.c. Illicit Discharge Detection and Elimination

The Permittee shall implement the ongoing SWMP to detect and eliminate illicit connections and illegal discharges into its Small MS4 and shall include an improved program in the revised SWMP Plan. The program shall include:

Part D.1.c.(1) *Connection and Discharge Permits/Approvals for private storm water discharges* - Within one (1) year after the effective date of this permit the Permittee shall establish requirements for issuing connection and discharge permits/approvals and require obtaining the permit/approval prior to allowing the private storm water discharges. Prior to issuing a permit/approval, the Permittee shall ensure the following are met:

- the project has provided proof of filing a Notice of Intent (NOI) or NPDES application, if applicable; and
- control measures that meets DOT-AIR requirements will be implemented to minimize pollutant discharge into its Small MS4.

Part D.1.c.(2) *Field Screening* - The Permittee shall implement its Outfall Field Screening Plan to screen for improper discharges. The plan shall specify the frequency for screening and identify the procedures for the identification of and response to possible illicit connections and illegal discharges. These procedures shall include, but not limited to, specific time deadlines for responding to identified discharges. At a minimum, all outfalls shall be screened once per permit term.

Part D.1.c.(3) *Tracking* - The Permittee shall maintain a database of illicit connections, illegal discharges, and spills that tracks the type of discharge, responsible party, DOT-AIR response, and resolution of the discharge to the Small MS4.

Part D.1.c.(4) *Investigate complaints* - The Permittee shall promptly investigate observed, suspected, or reported illicit flows and pursue enforcement actions, as appropriate. Complaints made to the CWB, which discharge to the DOT-AIR Small MS4 will be forwarded to the Permittee for their action. The Permittee shall continue to implement:

- (i) A database system to identify illicit discharge activities discharging into its system occurring both on and off of DOT-AIR's property by Property ID Number or Tax Map Key (TMK), as applicable. The database shall include information about each suspected improper discharge, the Permittee's investigation of that discharge, follow-up activities, and the resolution of each discharge;
- (ii) A program to facilitate reporting of illicit discharges (i.e., environmental hotline and/or website for reporting), including providing at least one contact that the public can reach (including phone number and/or email address) be clearly posted on its website; and
- (iii) Response plan for the investigation of illicit discharges that is consistent with the requirements in this permit.

Part D.1.c.(5) *Enforcement* - Within two (2) years after the effective date of this permit the *Permittee* shall:

- (i) Establish rules for enforcement and penalties when in noncompliance with its requirements as developed in accordance with Part D.1.c.(1), including for persons illegally discharging pollutants to its Small MS4, and
- (ii) Pursue enforcement actions against those in non-compliance with its requirements, those with illegal drain connections, and persons without direct connections whom illegally discharging pollutants to its Small MS4.

Part D.1.c.(6) *Prevent and Respond to Spills to the DOT-AIR Small MS4* - The Permittee shall continue to implement and improve on its ongoing SWMP to prevent, respond to, contain, and clean up all wastewater and other spills, including non-storm waters, except those allowed under Part B.1 that may enter into its Small MS4 from any source.

The Permittee shall provide spill prevention, response and clean up education and training to DOT-AIR maintenance staff, contractors, tenants, Aircraft Rescue Fire Fighting (ARFF) Crew and emergency response teams. This program shall be included in the SWMP. Spill response teams, which may consist of local, state, and/or federal agencies, shall prevent entry of spills into the DOT-AIR Small MS4 and contamination of surface water, ground water, and soil to the MEP.

The Permittee shall coordinate spill prevention, containment, and response activities throughout all appropriate departments, programs, and agencies to ensure maximum water quality protection at all times. The Permittee shall notify DOH of all wastewater spills or overflows from private laterals and failing septic systems into its MS4. The Permittee shall prevent, respond to, contain, and clean up wastewater from any such notification.

Part D.1.c.(7) *Facilitate Disposal of Used Oil and Toxic Materials* - The Permittee shall continue to implement its ongoing SWMP to facilitate the proper management and disposal or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes. Such a program shall include educational activities, public information activities, and identification of collection sites or methods.

Part D.1.c.(8) *Training* - The Permittee shall provide annual training to staff on identifying and eliminating illicit connections and illegal discharges to its Small MS4, and spill prevention, response and clean-up. This

training shall be specific to DOT-AIR responsibilities, activities, rules, and procedures, to comply with this permit.

Part D.1.d. Construction Site Runoff Control

Permittee shall continue to implement a construction site management program to reduce to the MEP the discharge of pollutants from projects on DOT-AIR property and offsite projects into its Small MS4. The construction site management program shall include the following minimum elements:

Part D.1.d.(1) *Requirement to implement BMPs* - Within two (2) years of the effective date of this permit the Permittee shall establish rules to require proposed construction projects to implement BMPs and standards as described in its Construction Best Management Practices Field Manual.

The Field Manual shall be annually reviewed and, as necessary, revised to include descriptions of preferred new, modified, or revised BMPs, including preferred permanent BMPs and LID practices to minimize pollutant discharge for maintenance activities which have the potential to discharge pollutants to its Small MS4. Any revisions shall be discussed within its Annual Report and the documents included within its SWMP Plan. All documents shall be made available to DOT-AIR staff, contractors, and consultants, as appropriate.

Part D.1.d.(2) *Plan Review and Approval* - The Permittee shall continue to implement and improve on the process for review of DOT-AIR and tenant improvement projects. The Permittee shall also continue to implement procedures for the receipt and consideration of public inquiries, concerns, and information submitted regarding construction activities within DOT-AIR property, including offsite projects that discharge into its Small MS4. The Permittee shall:

- (i) For construction activities within DOT-AIR property, prior to approval of the construction plans and specifications, DOT-AIR or DOT Oahu District Engineers (i.e., for tenant improvement projects) shall review the appropriate Site-Specific BMP Plan and other pollution prevention measures (e.g., for Erosion and Sediment Control, Grading, Post-construction BMP and Landscaping) or similar plan(s)/document(s) to verify that meets the following requirements:

- DOT-AIR's Construction BMP Field Manual;
  - DOT-AIR's Permanent Post Construction BMP Manual;
  - HAR, Chapter 11-55, Appendix C, and any other requirements under the NPDES permit program, as applicable; and
  - Implementation of measures to ensure that the discharge of pollutants from the site will be reduced to the appropriate discharge limitations subject to the Best Available Technology currently available (BAT)/ Best Conventional Pollutant Control Technology (BCT) discharge requirement, consistent with the CWA and other respective federal and state requirements for such facilities and will not cause or contribute to an exceedance of water quality standards.
- (ii) Require a permit or written equivalent approval for drainage connections to its Small MS4, discharge of surface storm water runoff of storm water associated with construction (i.e., from projects on DOT-AIR property and offsite projects) or discharge permit (i.e., hydrotesting and dewatering effluent or other non-storm water, except those allowed under this permit) into their Small MS4 and maintain a database of the permits/approvals. The permit/approval shall obligate the activity to implement BMPs as required in HAR, Chapter 11-55, Appendices C, F, and/or G. Prior to issuing a drainage connection, discharge of surface runoff permit/approval, discharge permit the Permittee shall ensure that the following are met:
- The project owner has provided a copy of the Notice of General Permit Coverage (NGPC) for the discharge of storm water associated with construction activities that disturb one (1) acre or more and/or for the discharge of dewatering/hydrotesting effluent;
- or
- The project owner has provided proof of filing a NOI Form C and Form F and/or G, if applicable or other NPDES application. The Permittee shall verify prior to the start of construction activity that the NGPC was issued or NPDES Permit coverage has been authorized; and
- A Site-Specific BMP Plan or other documents (e.g., Erosion and Sediment Control, Grading, Post-construction BMP and Landscaping Plans, Dewatering Plan, and Hydrotesting Plan)

relating to pollution prevention or similar document(s) have been reviewed to verify that it fully meets all DOT-AIR requirements and is accepted by DOT-AIR or DOT Oahu District Engineers, as applicable;

- (iii) Not allow construction to commence on any construction project on DOT-AIR property unless and until it has verified that the project has received from DOH a Notice of General Permit Coverage (NGPC) under HAR, Chapter 11-55, Appendix C, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Construction Activity (General Construction Activity Storm Water permit) (unless the project will disturb less than one (1) acre of land) and satisfied any other applicable requirements of the NPDES permit program (i.e., an individual NPDES permit);
- (iv) Within 90 calendar days of the effective date of this permit, the Permittee shall update and submit for review and acceptance, a plan review checklist that its reviewers shall use in evaluating the plans and BMPs or other similar document(s) which have been implemented pursuant to this Part [i.e., Part D.1.d.]. Copies of this plan review checklist shall be provided to applicants for connection, discharge of surface storm water runoff, and discharge permits (i.e., hydrotesting and dewatering effluent or other non-storm water, except those allowed under this permit); and to consultants and contractors for their use in developing the Plans or other similar document(s) for projects on DOT-AIR property. The plan review checklist shall include, at a minimum, but not be limited to comments on any deficiencies and the date when comments were addressed to the satisfaction of DOT-AIR or DOT Oahu District Engineers, as applicable. A system shall be implemented to ensure all comments, identified during the review process has been properly addressed.

Part D.1.d.(3) Inspections – The Permittee shall:

- (i) Prior to the initiation of ground-disturbing activities at any site on DOT-AIR property or offsite project which discharges storm water to the DOT-AIR Small MS4, except for activities associated with the installation of BMPs at a site, a designated DOT-AIR Erosion and Sediment Control Inspector who reviews and becomes familiar with the project's site-specific BMP Plan and/or other equivalent document(s), shall inspect the site to verify BMPs as

required by the BMP Plan and/or other documents have been installed correctly and in the correct locations prior to the commencement of ground-disturbing activity. Inspections shall include a review of site Erosion and Sediment Controls, good housekeeping practices, and compliance with DOT-AIR-accepted erosion and sediment control plans, construction BMPs Plans, or other similar documents and DOT-AIR approved permits. The inspector shall also identify and direct corrective actions of site conditions having the potential for erosion and sediment runoff, including other pollutant discharges which may occur as a result of the project's construction activities.

- (ii) In addition to inspections required by the NPDES permit program, all construction projects at any site on DOT-AIR property shall be inspected at least monthly by a qualified construction inspector who is independent (i.e., not involved in the day-to-day planning, design, or implementation) of the construction projects to be inspected. The Permittee may use more than one (1) qualified construction inspector for these inspections. The reporting procedures shall include, at a minimum, notification of any critical deficiencies to the DOH. Upon three successive monthly inspections that indicate, in total, no critical or major deficiencies or less than six (6) minor deficiencies with no more than three (3) minor deficiencies in one (1) month in a project's BMPs or other storm water management activities, the Permittee may decrease the inspection frequency for such project to quarterly. However, if while under a quarterly inspection frequency, an inspection of a project conducted pursuant to this paragraph indicates at least one critical or major deficiency or a total of three (3) or more minor deficiencies in the project's BMPs or other storm water management activities, the inspections frequency shall immediately return to no less than monthly. This reduced inspection frequencies option is contingent upon the Permittee having defined each type (i.e., critical, major, or minor) of deficiency. The Permittee shall further develop and implement written procedures for appropriate corrective actions and follow-up inspections when deficiencies had been identified at an inspected project. The corrective action procedures shall at a minimum require that 1) any critical deficiencies shall be corrected or addressed before the close of business on the day of the inspection at which the deficiency is identified, and 2) any major deficiencies shall be corrected or addressed as soon as possible, but in no event later than five (5) calendar days after the inspection

at which the deficiency is identified or before the next forecasted precipitation, whichever is sooner.

- (iii) All construction projects with a connection permit, discharge of surface runoff permit/approval, or discharge permit shall be inspected at least once annually or once during the life of the project, whichever comes first, by a qualified construction inspector who is independent (i.e., not involved in the day-to-day planning, design, or implementation) of the construction projects to be inspected. This inspection is required in addition to the inspection as required prior to the start of the ground-disturbing activities in Part D.1.d.(3)(i). The Permittee may use more than one (1) qualified construction inspector for these inspections. If the project has a site-specific BMP Plan or other equivalent document(s), the inspection shall also verify that the BMPs were properly installed and at the locations specified in the Plan. The reporting procedures shall include, at a minimum, notification of any critical deficiencies to the DOH.
- (iv) Develop and implement a standard inspection form(s) and reporting and corrective procedures for inspections, including use of an inspection checklist, or equivalent, and the Permittee shall track inspection results in a database or equivalent system. The inspection checklist shall, include at a minimum, but not be limited to identifying any deficiencies and the date of the corrective actions. Photos shall accompany the inspection checklist to document the deficiencies. The inspection form(s), inspection checklist, reporting and corrective procedures shall be submitted to DOH for review and acceptance within 90 calendar days of the effective date of this permit.

Part D.1.d.(4) Enforcement – Within two (2) years of the effective date of this permit, the Permittee shall:

- (i) Establish rules for enforcement and penalties for those in non-compliance with Part D.1.d.(1) requiring the implementation of standards, and
- (ii) Develop and implement an Enforcement Response Plan to include written procedures for appropriate corrective and enforcement actions, and follow-up inspections when an inspected project is not in full compliance with its requirements,

other DOT-AIR permits, and any other applicable requirements under the NPDES permit program.

- Part D.1.d.(5) *Process to refer noncompliance and non-filers to DOH* - In the event the Permittee has exhausted its use of sanctions and cannot bring a construction site or construction operator into compliance with its rules, standards, or this permit, or otherwise deems the site to pose an immediate and significant threat to water quality, the Permittee shall provide e-mail notification to [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov), Attn: Enforcement Section Supervisor within one (1) week of such determination. E-mail notification shall be followed by written notification in accordance with Part A.7. and include a copy of all inspection checklists, notes, and related correspondence in pdf format (300 minimum dpi) within two (2) weeks of the determination. In instances where an inspector identifies a site that has not applied for permit coverage under the NPDES permit program, the Permittee shall provide written notification in accordance with Part A.6. to DOH within two (2) weeks of the discovery.
- Part D.1.d.(6) *Training* - The Permittee shall provide annual training on the Construction BMPs Program Plan to all DOT-AIR staff, including DOT Oahu District Engineers, where applicable, with construction storm water responsibilities, including construction engineers, construction and maintenance inspectors, and plan reviewers. This training shall be specific to DOT-AIR activities (including the proper installation and maintenance of accepted BMPs), rules and procedures.
- Part D.1.d.(7) *Education* - The Permittee shall implement an education program as part of its ongoing SWMP to ensure that project applicants, tenants, contractors offsite property owners, and other responsible parties have an understanding of the storm water requirements they need to implement.
- Part D.1.e. *Post-Construction Storm Water Management in New Development and Redevelopment*

The Permittee shall further develop, implement, and enforce a program to address storm water runoff from all new development and redevelopment projects that result in a land disturbance of one (1) acre or more and smaller projects that have the potential to discharge pollutants to the DOT-AIR Small MS4. The Permittee's program must ensure that permanent controls are in place to prevent or minimize water quality

impacts to the MEP. Review and update as necessary the criteria defining when and the types of permanent post-construction BMPs, including among other thing LID techniques, must be included in a project design to address storm water impacts and pollutants of concern. For State waters on the State CWA Section 303(d) list or State established and EPA approved TMDLs, the pollutants of concern to be targeted shall include the parameters causing impairment. Consideration shall also be provided for trash reduction techniques as to comply with its short and long term plans as required in Section D.1.(f)(1)(v). The program shall include, at a minimum, the following elements:

Part D.1.e.(1) *Standards Revision* – The Permittee shall revise its standards for addressing post-construction BMPs (i.e., DOT-AIR’s Permanent Post Construction BMP Manual) to include Low Impact Development (LID) requirements and reduce its use of exemptions. Within six (6) months of the effective date of this permit, the Permittee shall submit to DOH for review and acceptance, a plan for requiring LID in the standards to the MEP, including revision to the plan review and inspection checklist to include LID. LID refers to storm water management practices which seek to mimic a site’s predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating storm water runoff close to its source. The standards shall ensure that the management practices are prioritized to favor infiltration, evapotranspiration, or harvesting/reuse of stormwater followed by other practices that treat and release stormwater. The standards shall be applicable to all construction projects disturbing at least one (1) acre and smaller projects that have the potential to discharge pollutants to the DOT-AIR’ Small MS4. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats storm water as a resource, rather than a waste product. LID treatment measures include harvesting and use, infiltration, evapotranspiration, or biotreatment. The plan for the implementation of LID provisions in the DOT-AIR’s standards shall include at a minimum the following:

- Criteria for requiring implementation.
- Investigation into the development of quantitative criteria for a specific design storm to be managed by LID techniques. Examples of design storm requirements include: 24-hour, 85% storm through infiltration; on-site management of the first inch of rainfall within a 24-hour period; retention of the 100-year, 2-hour storm; or on-site management of the 24-hour, 95% storm.

- Feasibility criteria for circumstances in which a waiver could be granted for the LID requirements.
- When a LID waiver is granted, alternatives such as offsite mitigation and/or non-LID treatment control BMPs could be required.

A draft of the revised Standards shall be submitted to the DOH in accordance with Part A.7. for review and acceptance within 12 months after the effective date of this permit and include at a minimum the above. Within 18 months after the effective date of this permit, subject to adoption by rulemaking or other equivalent process, the revised Standards shall be submitted to the DOH in accordance with Part A.6. To the extent that the revised Standards have not been adopted, the Permittee shall submit a compliance schedule for adoption, which shall not exceed 24 months after the effective date of this permit.

Part D.1.e.(2) *Review of Plans for Post-Construction BMPs* – For design-bid- build projects, the Permittee shall not advertise any construction project nor award any construction contract until the project design has been reviewed and accepted to ensure that appropriate permanent post-construction BMPs, which include LID practices upon adoption into its Standards, have been included in the project design and are included in the bid package to ensure compliance with this part of the permit. For design-build projects, the Permittee shall review and approve the project design the same as for design-bid-build projects prior to implementation. No project shall proceed without the inclusion of appropriate permanent post-construction BMPs unless a waiver is granted by DOT-AIR based on specific documentation demonstrating that such post-construction BMPs are not feasible. Project documents for projects that will include installation of permanent post-construction BMPs shall also include appropriate requirements for their future continued maintenance.

Part D.1.e.(3) *BMP, Operation and Maintenance, and Inspection Database* - The Permittee shall continue to implement its Database System to track the frequency of inspections and maintenance of the Permanent BMPs. In addition to the standard information collected for all projects (e.g., project name, owner, location, start/end date, etc.), the database shall also include, at a minimum:

- Type and number of LID practices
- Type and number of Source Control BMPs
- Type and number of Treatment Control BMPs

- Latitude/Longitude coordinates of controls using Global Positioning Systems (GPS) and NAD83 or other Datum as long as the datum remains consistent
- Photographs of controls
- Operation and maintenance requirements
- Frequency of inspections
- Frequency of maintenance

All stormwater treatment and LID BMPs shall be inspected at least once a year for proper operation; maintenance shall be performed as necessary to ensure proper operation.

Part D.1.e.(4) *Education and Training*

- (i) *Project Proponents* - The Permittee shall provide education and outreach material for those parties who apply for DOT permits (i.e., tenants, engineers, architects, consultants, construction contractors, excavators, and those that discharge to the DOT-AIR MS4) on the selection, design, installation, operation and maintenance of storm water BMPs, structural controls, post construction BMPs, and LID practices. The outreach material may include a simplified flowchart for thresholds triggering permits and requirements, a list of required permits, implementing agencies, fees, overviews, timelines and a brief discussion of potential environmental impacts associated with storm water runoff.
- (ii) *Inspectors* - All Permittee staff and those contractors under DOT-AIR contract responsible for inspecting permanent post-construction BMPs and LID practices shall receive annual training.

Part D.1.f. *Pollution Prevention/Good Housekeeping*

The Permittee shall further develop and implement a system maintenance program to reduce to the MEP the discharge of pollutants from all Permittee-owned facilities, roads, parking lots, maintenance baseyard, wash racks, wash pad and the DOT-AIR' Small MS4. The program shall include:

Part D.1.f.(1) Debris Control BMPs Program Plan

- (i) *Asset Management System and Mapping* - The Permittee shall continue to maintain and implement a comprehensive Asset Management System and map of its Small MS4, including structural and vegetative BMPs; and inventory of related appurtenances including maintenance equipment, to ensure appropriate debris removal and system maintenance. The asset management system shall, at a minimum, assign an identification number for each drain inlet, outfall, and BMPs, and map their location on the Geographic Information System (GIS). The Permittee shall use this asset management system to establish priorities and to schedule and track efforts of appropriate system maintenance and debris removal program activities such as street sweeping, catch basin cleaning, and green waste and accumulated soil removal. The asset management system shall include justification of its priorities on the basis of potential impacts to water quality.
- (ii) *Inspection/Maintenance Schedule* – In the SWMP, the Permittee shall continue to include procedures and a schedule for inspections of:
  - a) Storm drainage structures (e.g., catch basins, inlets, curb gutters, open ditches, trenches) for the purpose of identifying if maintenance (i.e., cleaning) of such structures is needed. Inspections shall be done at least twice per year. Maintenance shall be done as necessary. Both inspection and maintenance logs shall include the date, identification (i.e., asset) number of the storm drain structure and name of the person performing the inspection. For inspections, the log shall also include the inspection results and follow-up actions, if needed. For maintenance, the log shall include the quantity and type of debris removed.
  - b) Storm water retention basins. Inspections shall be done semi-annually and maintenance shall be performed at a minimum annually or more frequently as needed. At a minimum, one inspection shall be performed before November 1<sup>st</sup> of each year.
  - c) Runways/taxiways, major streets, and streets in the industrial and commercial areas for sweeping and litter

pickup as specified in the SWMP or at least twice per month. Indicate how and where the sweepings are disposed.

The need for sweeping and/or maintenance shall, at a minimum, be determined based upon material accumulation rates and/or potential threat of discharge to State waters that may have an effect on water quality. Maintenance may be conducted in lieu of inspections to satisfy this requirement. The procedures shall provide for the identification of features and BMPs that may require more frequent sweeping and/or structure cleaning based upon material accumulation rates and potential threat of discharge to State waters that may have an effect on water quality. The procedures shall establish debris accumulation thresholds above which sweeping and/or structure cleaning must occur. The priority-based schedule shall be annually reviewed; updated as necessary; and the changes, along with explanations of the changes submitted within the Annual Report.

- (iii) *Storm Drain Placards* - The Permittee shall evaluate the effectiveness of its placards and revise it as necessary to meet its purpose. The purpose of the placards shall be discussed within the SWMP. All placards shall be installed within five (5) years of the effective date of this permit. The Permittee shall implement its system to track placement of placards and procedures for maintenance staff to inspect and replace, as necessary, placards during routine maintenance activities.
- (iv) *Action Plan for Retrofitting Structural BMPs* – Provide the DOH with an Action Plan for Retrofitting Structural BMPs within one (1) year of the effective date of this permit, which shall identify retrofits to be implemented, explanation on the basis for their selection and an implementation schedule. The implementation schedule shall cover a five (5) year period and be updated yearly to include additional retrofit projects with water quality protection measures. The Action Plan shall be initially based on the retrofits as identified in its Retrofit Feasibility Study, Table 10 (i.e., 24 projects) dated, August 2010. As those projects are completed, additional priority ranked retrofit projects shall be added to its schedule. At a minimum, two (2) retrofit projects starting with the highest priority project shall be annually completed following submittal of its Action Plan. A description of the projects' statuses shall be included in the Annual Report.

- (v) *Trash Reduction Plan* - Within three (3) years after the effective date of this permit, the Permittee shall develop and submit to DOH for review and acceptance, a trash reduction plan which assesses the issue, identifies and implements control measures, and monitor these activities to reduce trash loads from the Small MS4. Trash means all improperly discarded waste material, excluding vegetation, except for yard/landscaping waste that is illegally disposed of in the storm drain system. Examples of trash include, but are not limited to, convenience food, beverage, and other product packages or containers constructed of aluminum, steel, glass, paper, plastic, and other natural and synthetic materials. The plan shall include, at a minimum and be formatted consistent with the following:
- Quantitative estimate of the debris currently being discharged (baseline load) from the Small MS4, including methodology used to determine the load.
  - Description of control measures currently being implemented as well as those needed to reduce debris discharges from the Small MS4 consistent with short-term and long-term reduction targets.
  - A short-term plan and proposed compliance deadline for reducing debris discharges from the Small MS4 by 50% from the baseline load.
  - A long-term plan and proposed compliance deadline for reducing debris discharges from the Small MS4 to zero.
  - Geographical targets for trash reduction activities with priority on waterbodies listed as impaired for trash on the State's CWA Section 303(d) list.
  - Trash reduction-related education activities as a component of Part D.1.a.
  - Integration of control measures, education and monitoring to measure progress toward reducing trash discharges.
  - An implementation schedule.
  - Monitoring plan to aid with source identification and loading patterns as well as measuring progress in reducing the debris discharges from the Small MS4.
  - The Annual Report shall include a summary of its trash load reduction actions (control measures and best management practices) including the types of actions and levels of implementation, the total trash loads and dominant types of

trash removed by its actions, and the total trash loads and dominant types of trash for each type of action.

The plan shall provide for compliance with the above short-term and long-term discharge limits in the shortest practicable timeframe.

Part D.1.f.(2) Chemical Applications BMPs Program Plan

- (i) *Training* - The Permittee shall update its Authorized Use List of the chemicals DOT-AIR uses and implement a specific training program for all potential appliers (bulk and hand-held) of the chemicals (e.g., fertilizers, pesticides, and herbicides) in its proper application. The Permittee shall not permit the application of fertilizers, pesticides, or herbicides unless the applier has first received this training.
- (ii) *Implement appropriate requirements for pesticide, herbicide, and fertilizer applications* - The Permittee shall continue to implement BMPs to reduce the contribution of pollutants associated with the application, storage, and disposal of pesticides, herbicides, and fertilizers from municipal areas and activities to its Small MS4. Municipal areas and activities include, at a minimum, municipal facilities, public right-of-ways, and landscaped areas.

Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) chemical application, as needed; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers.

The Permittee shall ensure that their employees or contractors or employees of contractors applying registered pesticides, herbicides, and fertilizers shall work under the direction of a certified applicator, follow the pesticide label, and comply with any other State, City, or government regulations for pesticides, herbicides, and fertilizers. All Permittee employees or contractors applying pesticides, herbicides or fertilizers shall receive training on the BMPs annually.

Part D.1.f.(3) Erosion Control BMPs Program Plan - The Permittee shall, if not restricted for aircraft safety reasons or does not conflict with any other Federal rules:

- (i) Implement permanent erosion control improvements for erosional areas with the potential for significant water quality impact. Identification of erosional areas with the potential for significant water quality impact shall include areas where there is evidence of rilling, gullying, and/or other evidence of significant sediment transport, and areas in close proximity to receiving waters listed as impaired by either sediment, siltation and/or turbidity. The Permittee shall include procedures to identify and implement erosion control projects based on water quality concerns. A list of the projects and an implementation schedule for permanent erosion control improvements shall be submitted to DOH within one (1) year from the effective date of this permit. The implementation schedule shall begin in the 2<sup>nd</sup> year after the effective date of this permit and cover a five (5) year period with a deadline to complete all projects by the end of the 5<sup>th</sup> year.
- (ii) Require the implementation of temporary erosion control measures (e.g., erosion control blankets and/or fabrics, gravel bag placement and silt fencing/fiber rolls) on erosional areas within DOT-AIR property with the potential for significant water quality impact if a permanent solution is not immediately possible. Notwithstanding any other implementation provisions, the SWMP shall require the implementation of such temporary erosion control measures on all applicable areas within 18 months of the effective date of this permit. For projects which require a CWA Section 401 Water Quality Certification (WQC), the WQC application shall be submitted to DOH within one (1) year of the effective date of this permit and be implemented with six (6) months of the WQC or other regulatory permit(s) issuance date.
- (iii) Develop a maintenance plan for vegetated portions of the drainage system used for erosion and sediment control, and LID features; including controlling any excessive clearing/removal, cutting of vegetation, and application of herbicide which affects its usefulness.
- (iv) Provide the DOH with an Action Plan to address erosion at its storm drain system outlets with significant potential for water quality impacts to be completed within one (1) year of the effective date of this permit, which shall identify outfalls to be addressed, explanation on the basis for their selection and an implementation schedule. The implementation schedule shall begin in the 2<sup>nd</sup> year after the effective date of this permit and

cover a five (5) year period with a deadline to complete all projects by the end of the 5<sup>th</sup> year. A status report on implementation of the plan shall be included in the Annual Report. The Permittee shall install velocity dissipators or other BMPs to reduce erosion at locations identified by the Retrofit Feasibility Study or through its periodic required inspections. The Action Plan may include, but not be limited to projects in compliance with any TMDL I&M Plan.

Part D.1.f.(4) Maintenance Activities BMPs Program Plan

- (i) *BMPs for DOT-AIR maintenance activities* - The Permittee shall implement the BMPs as identified in its SWMP Plan, Section E and the Baseyard SWPCP, as applicable for all DOT-AIR maintenance activities. Examples of such activities include, but are not limited to: paving and road repairs, street cleaning (including proper storage and disposal of sweeper waste), saw cutting, concrete work, curb and gutter replacement, buried utility repairs and installation, vegetation removal, painting and paving, debris and trash removal, spill cleanup, etc.
- (ii) *Training* - The Permittee shall further develop and provide annual training to staff on proper airport maintenance activities to prevent storm water pollution. The training shall cover the Field Manual, identify potential sources of pollution, general BMPs that can be used to reduce and/or eliminate such sources, and specific BMPs for their activities. The training shall incorporate components of the public education campaign and educate staff that they serve a role in protecting water quality. Staff shall be made aware of the NPDES permit, the overall SWMP, and the applicable BMPs Program(s).

Part D.1.g. Industrial and Commercial Activities Discharge Management Program

The Permittee shall develop and implement an industrial and commercial discharge management program to reduce to the MEP the discharge of pollutants from all industrial and commercial facilities and activities which initially discharge into the Permittee's Small MS4. This program applies to both DOT-AIR tenants and those offsite which discharge to the DOT-AIR Small MS4. Industrial facilities are those regulated under 40 CFR 122.26(b)(14), except construction activities listed at 40 CFR 122.26(b)(14)(x). Other facilities or activities that are not industrial shall be classified as Commercial. At a minimum, the program shall include:

Part D.1.g.(1) *Requirement to Implement BMPs* - Require a permit or written equivalent approval for drainage connections and discharge of surface runoff into the Small MS4 and maintain a database of the permits/approvals. The permit/approval shall obligate the facility to implement BMPs as required in HAR, Chapter 11-55, Appendix B, Section 8.(b) – Non-numeric Technology-Based Effluent Limitations. BMPs shall also be implemented to target the industrial/commercial activity’s pollutant(s) of concern identified through facility inspections, storm water monitoring results and those pollutants DOT-AIR believes to be present in the storm water runoff.

Part D.1.g.(2) *Inventory and Map of Industrial Facilities and Activities* - The Permittee shall annually update and submit, in electronic portable document format (pdf - minimum 300 dpi), the industrial facilities and activities inventory (industrial inventory), sorted by HNL Property ID Number (i.e., for tenants) or TMK (i.e., for others discharging to DOT-AIR’s Small MS4), and map of such facilities and activities discharging, directly or indirectly, to its Small MS4 within its Annual Report. The industrial inventory update may be based on the following:

- Findings from the Airport Tenant Asset Survey (Questionnaire Survey);
- Available information about parcel owners from the City and the State or through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits); and/or
- Collection of new information obtained during field activities, asset inventory, illicit detection, etc.

The industrial inventory shall include the facility name, street address, HNL Property ID Number or TMK, nature of business or activity, Standard Industrial Classification (SIC) code(s) that best reflect the facility product or service, principal storm water contact, receiving State water, and whether an NGPC under HAR, Chapter 11-55, Appendix B, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Industrial Activities (General Industrial Storm Water permit) or NPDES Conditional “No Exposure” Exclusion or any other applicable NPDES permit has been obtained, including a permit or file number, issuance date, expiration date, and administrative extension date.

At a minimum, the industrial inventory shall include facilities and activities such as:

- Hazardous waste recovery, treatment, storage and disposal facilities
- Facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023
- Findings from follow-up investigations of the industrial facilities identified in the Questionnaire Survey
- Facilities subject to NPDES permit coverage which are adjacent to DOT-AIR property and discharge into its Small MS4

Part D.1.g.(3) *Inventory and Map of Commercial Facilities and Activities* - The Permittee shall annually update and submit, in pdf format (minimum 300 dpi), the commercial facilities and activities inventory (commercial inventory) and map of such facilities and activities discharging, directly or indirectly, to its Small MS4 within its Annual Report. The commercial inventory update may be based on the following:

- Findings from the Questionnaire Survey;
- Available information about parcel owners from the City and the State or through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits); and/or
- Collection of new information obtained during field activities, asset inventory, illicit detection, etc.

The commercial inventory shall include, the facility name, street address, HNL Property ID Number or TMK, nature of business or activity, SIC code(s) that best reflect the facility product(s) or service(s), principal storm water contact, and receiving State water.

At a minimum, the commercial inventory shall include facilities and activities such as:

- Findings from investigations of the commercial facilities identified in the Questionnaire Survey
- Retail Gasoline Outlets
- Retail Automotive Services, including Repair Facilities
- Restaurants
- Any other commercial facility that either the Permittee or DOH determines is contributing pollutants to the DOT-AIR Small MS4 that may cause or contribute to an exceedance of State water quality standards.

Part D.1.g.(4) *Inspection of Industrial and Commercial Facilities and Activities* - The industrial/commercial inspection program shall be implemented and updated to comply with this permit and consent decree.

The Permittee shall ensure industrial and commercial facilities and activities identified in the industrial and commercial inventories required under Parts D.1.g.(2) and D.1.g.(3) are inspected and re-inspected as often as necessary based on its findings to ensure corrective action was taken and the deficiency was resolved.

DOT-AIR shall rank each tenant and offsite activities for its relative potential either to contribute pollutants to storm water runoff or to have a non-storm water discharge either into the DOT-AIR Small MS4 or otherwise into State waters. Rankings shall be made on a low/medium/high threat basis. Those that are required to have NPDES permit coverage shall always be ranked as high threat. At least once each calendar year, the Permittee shall review its inspection list and rankings and update them as necessary. The updated list shall be submitted in the Annual Report.

DOT-AIR shall inspect each tenant/activity in each ranking class as follows:

- High ranked, other than those that are required to have NPDES permit coverage, shall be inspected at least quarterly.
- High ranked that are required to have NPDES permit coverage shall be inspected at least annually. DOT-AIR shall submit a copy of each report of these inspections to DOH within 30 calendar days of the inspection.
- Medium ranked shall be inspected at least annually.
- Low ranked shall be inspected at least biennially.

Any industrial facility discharging Industrial Storm Water (as defined by 40 C.F.R. Part 122.26(b)(14)) that does not have NPDES Permit coverage shall be reported to DOH within 30 calendar days of the inspection.

All inspections shall be in accordance with the applicable portions (e.g., Chapter 11 – Storm Water) of the "NPDES Compliance Inspection Manual" (EPA 305-X-04-001), dated July 2004. Inspectors shall be trained to identify deficiencies, assess potential impacts to receiving waters, evaluate the appropriateness and representativeness of storm water sampling locations, evaluate storm water monitoring

results, evaluate the appropriateness and effectiveness of deployed BMPs, and require controls to minimize the discharge of pollutants to the DOT-AIR Small MS4. The inspectors shall use an inspection checklist, or equivalent, and photographs to document site conditions and BMP conditions. Records of all inspections shall be maintained for a minimum of five (5) years, or as otherwise indicated.

Copies of all inspection reports shall be maintained for a minimum of five (5) years and shall be made available to EPA or DOH upon request, except as otherwise required (i.e., for those highly ranked tenants that are required to have NPDES permit coverage).

Part D.1.g.(5) *Storm Water Pollution Control Plan (SWPCP) Review and Acceptance for Industrial Facilities* - The Permittee shall:

- (i) Require Industrial Activities that initially discharge storm water into DOT-AIR's Small MS4 to develop, implement, and update, as necessary, a SWPCP that meets DOT-AIR's Standards and HAR Chapter 11-55, Appendix B SWPCP requirements, which includes storm water monitoring;
- (ii) Verify the facility owner has received NPDES permit coverage for the discharge of storm water associated with industrial activity or NPDES "No Exposure"; and
- (iii) Review for acceptance, the SWPCP and any revisions or updates or other plans relating to pollution prevention or similar document(s) to ensure the discharge of pollutants will be minimized to the maximum extent practicable.

Part D.1.g.(6) *Enforcement Policy for Industrial and Commercial Facilities and Activities* - Within two (2) years of the effective date of this permit, the Permittee shall establish and implement its own policies for enforcement and rules for penalties for industrial and commercial facilities which have failed to comply. The policy shall be part of an overall escalating enforcement policy and must consist of the following:

- Conducting inspections.
- Issuance of written documentation to a facility representative within 30 calendar days of storm water deficiencies identified during inspection. Documentation must include copies of all field notes, correspondence, photographs of deficiencies, and sampling results if applicable.

- A timeline for correction of the deficiencies.
- Provisions for re-inspection and pursuing enforcement actions, if necessary.

In the event the Permittee has exhausted all available sanctions and cannot bring a facility or activity into compliance with its rules and this permit, or otherwise deems the facility or activity an immediate and significant threat to water quality, the Permittee shall provide e-mail notification to [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov), Attn: Enforcement Section Supervisor within one (1) week of such determination. E-mail notification shall be followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence in pdf format (300 minimum dpi) in accordance with Part A.6. within two (2) weeks of the determination. In instances where an inspector identifies a facility that has not applied for the General Industrial Storm Water permit coverage or any other applicable NPDES permit, the Permittee shall provide email notification to DOH within one (1) week of such determination.

Part D.1.g.(7) *Training* - The Permittee shall provide training to staff on how to conduct industrial and commercial inspections, the types of facilities covered by the General Industrial Storm Water permit coverage or any other applicable NPDES permit, components in a SWPCP for industrial facilities, BMPs and source control measures for industrial and commercial facilities, and inspection and enforcement techniques. This training shall be specific to DOT-AIR activities, rules, and procedures. Any updates to the training shall be submitted to DOH for review and acceptance within 90 calendar days of the change. Permittee inspectors shall receive annual training.

Part D.1.h. Hydrocarbon Removal and Remediation Plan

The Permittee shall provide DOH with an update to the status of its Hydrocarbon Removal and Remediation Plan within 90 calendar days of the effective date of this permit. The Permittee shall continue to monitor the depth of the fuel plume and shall notify DOH at least 90 calendar days before any construction which requires disturbing contaminated soil or construction dewatering activities. The Permittee is required to install and maintain BMPs that DOT-AIR determines appropriate for these activities when they occur to prevent any storm water runoff which contacts the contaminated soil or dewatering effluent from being discharged to State waters.

- Part D.2. Revise the SWMP, as necessary, if any discharge limitation or water quality standard established in HAR, Section 11-54-4, is exceeded. The revisions shall include BMPs and/or other measures to reduce the amount of pollutants found to be in exceedance from entering State Waters.
- Part D.3. Properly address all modifications, concerns, requests, and/or comments to the satisfaction of the DOH and/or EPA.
- Part D.3.a. SWMP Modifications - The storm water pollution control activities described in the SWMP may need to be modified, revised, or amended from time to time over the life of the permit to respond to changed conditions and to incorporate more effective approaches to pollutant control. Minor changes may be proposed by the Permittee or requested by DOH or the EPA. Proposed changes that imply a major reduction in the overall scope and/or level of effort of the SWMP must be made for cause and in compliance with 40 CFR §122.62 and Part 124. A written report shall be submitted to the Director of Health (Director) for acceptance at least 30 calendar days prior to the initiation date of the major modification. The Permittee shall report and justify all other modifications made to the SWMP in its Annual Report for the year in which the modification was made.
- Part D.3.b. System Modifications include any planned physical alterations or additions to the permitted MS4 and any existing outfalls newly identified over the term of the permit. All alterations and/or additions to the DOT-AIR Small MS4 shall be indicated in its Annual Report. Major alterations and/or additions shall be identified by letter within 30 calendar days of the completion of the alteration and/or addition.

**Part E. DOT-AIR INDUSTRIAL FACILITIES/ACTIVITIES**

- Part E.1. DOT-AIR's Maintenance Baseyard, South Ramp Wash Rack, North Wash Rack, Wiki Wiki Wash Rack, and T-Hanger Wash Pad shall comply with the requirements in HAR, Chapter 11-55, Appendix B, which includes requiring the DOT-AIR to comply with the EPA's 2008 Multi-Sector General Permit, Part 8 of the Sector-Specific Requirements for Industrial Activity (e.g., Part 8, Subpart S – Air Transportation). Refer to HAR, Chapter 11-55, Appendix B, Section 8.(b). The inspection frequency shall
- Part E.2. An individual at the facility (e.g., yard foreman) shall be charged with ensuring implementation of the SWPCP. This individual shall be trained to implement the SWPCP, including but not limited to, collecting storm water samples and analyzing samples for temperature and pH, conducting inspections, identifying deficiencies and performing corrective actions.
- Part E.3. The Permittee shall submit within 90 calendar days from the effective date of this permit the CWB NOI Form B and updated SWPCP for its Industrial facilities/activities and be included within its SWMP Plan. The updated SWPCP must be implemented upon submittal to DOH.
- Part E.4. The Permittee may add new Industrial facilities into this permit by requesting in writing to the DOH. Along with a written request, the Permittee shall submit the applicable NOI Form(s) and SWPCP, and other attachments to the DOH for review and comment, including updating its SWMP Plan. Upon acceptance of the information, the DOH will acknowledge by letter, the inclusion of the facility into this permit. The SWPCP must be implemented upon the start-up of the facility or for an existing municipal industrial facility; the SWPCP must be implemented upon submittal of the written request.
- Part E.5. For the submittal of facility information, please contact the CWB for the forms and submittal instructions.

**Part F. MONITORING REQUIREMENTS**

Part F.1. DOT-AIR Small MS4 Annual Monitoring Plan

Part F.1.a. The Permittee shall submit the Annual Monitoring Plan to the Director by June 1st of each year for review and acceptance. The Annual Monitoring Plan shall be implemented over the coming fiscal year.

The monitoring program must be designed and implemented to meet the following objectives:

- Part F.1.a.(1) Assess compliance with this permit (including TMDL I&M Plans and demonstrating consistency with WLAs, when applicable);
  - Part F.1.a.(2) Measure the effectiveness of the Permittee's storm water management program;
  - Part F.1.a.(3) Assess the overall health based on the chemical, physical, and biological impacts to receiving waters resulting from storm water discharges and an evaluation of the long term trends;
  - Part F.1.a.(4) Characterize storm water discharges;
  - Part F.1.a.(5) Identify sources of specific pollutants;
  - Part F.1.a.(6) Detect and eliminate illicit discharges and illegal connections to the Small MS4; and
  - Part F.1.a.(7) Assess the water quality issues in each receiving State water resulting from storm water discharges from the DOT-AIR Small MS4.
- Part F.1.b. The plan shall, at a minimum, include the following items:
- Part F.1.b.(1.) Written narrative of the proposed monitoring plan's objectives, including but not limited to the objectives identified in Part F.1.a., and description of activities;
  - Part F.1.b.(2.) For each activity, a description of how the results will be used to determine compliance with this permit.
  - Part F.1.b.(3.) Identification of management measures proven to be effective and/or ineffective at reducing pollutants and flow.

- Part F.1.b.(4.) Written documentation of the following:
- (i) Characteristics (timing, duration, intensity, total rainfall) of the storm event(s);
  - (ii) Parameters for measured pollutant loads; and
  - (iii) Range of discharge volumes to be monitored, as well as the timing, frequency, and duration at which they are identified;
- Part F.1.b.(5.) Written documentation of the analytical methods to be used;
- Part F.1.b.(6.) Written documentation of the Quality Assurance/Quality Control procedures to be used; and
- Part F.1.b.(7.) Estimated budget to be implemented over the coming fiscal year.

**Part F.2. Storm Water Associated with Industrial Facilities/Activities**

The Permittee shall also include in its Annual Monitoring Plan, annual monitoring to comply with HAR, Chapter 11-55, Appendix B and at a minimum annually monitor the storm water runoff for the parameters specified below, for its Maintenance Baseyard, including any additional parameters which the Permittee also believes to be present in the storm water runoff. For any exceedance, the next representative storm event shall be monitored in accordance with HAR, Chapter 11-55, Appendix B.

<b>Effluent Parameter (units)</b>	<b>Effluent Limitation {1}</b>	<b>Type of Sample {2}</b>
Flow (gallons)	{4}	Calculated or Estimated
Biochemical Oxygen Demand (5-Day) (mg/l)	{4}	Composite {3}
Chemical Oxygen Demand (mg/l)	{4}	Composite {3}
Total Suspended Solids (mg/l)	{4}	Composite {3}
Total Phosphorus (mg/l)	{4}	Composite {3}
Total Nitrogen (mg/l) {5}	{4}	Composite {3}
Nitrate + Nitrite Nitrogen (mg/l)	{4}	Composite {3}
Oil and Grease (mg/l)	15	Grab {6}

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<b>Effluent Parameter (units)</b>	<b>Effluent Limitation {1}</b>	<b>Type of Sample {2}</b>
pH Range (Standard Units)	5.5-8.0 {7} 7.6-8.6 {8}	Grab {9}
Ammonia Nitrogen (mg/l)	{4}	Composite
Turbidity (0.1 NTU)	{4}	Grab
Dissolved Oxygen (0.1 mg/l)	{4}	Grab
Oxygen Saturation (1%)	{4}	Grab
Temperature (0.1 °C)	{4}	Grab
Salinity (0.1 ppt)	{4}	Grab
Aluminum (µg/l) {12}	750 {10} {4} {11}	Composite {3}
Cadmium (µg/l) {12}	3+ {10} 43 {11}	Composite {3}
Chromium (VI) (µg/l) {12}	16 {10} 1,100 {11}	Composite {3}
Copper (µg/l) {12}	6+ {10} 2.9 {11}	Composite {3}
Lead (µg/l) {12}	29+ {10} 140 {11}	Composite {3}
Nickel (µg/l) {12}	5+ {10} 75 {11}	Composite {3}
Silver (µg/l) {12}	1+ {10} 2.3 {11}	Composite {3}
Zinc (µg/l) {12}	22+ {10} 95 {11}	Composite {3}
Benzene (µg/l)	1,800 {10} 1,700 {11}	Composite {3}
Additional Toxic Pollutants {13}	{14}	{15}

mg/l = milligrams per liter = 1000 micrograms per liter (µg/l)

+ = The value listed is the minimum standard. Depending upon the receiving water CaCO<sub>3</sub> hardness, higher standards may be calculated using the respective formula in the U.S. Environmental Protection Agency publication Quality Criteria

for Water (EPA 440/5-86-001, Revised May 1, 1987).

**NOTES:**

- {1} Pollutant concentration levels shall not exceed the storm water discharge limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those storm water discharge limits or are outside those ranges shall be reported to the CWB required in HAR, Chapter 11-55, Appendix B, Section 10(c).
- {2} The Permittee shall collect samples for analysis from a discharge resulting from a representative storm. A representative storm means a rainfall that accumulates more than 0.1 inch of rain and occurs at least 72 hours after the previous measurable (greater than 0.1 inch) rainfall event.
- “Grab sample” means a sample collected during the first 15 minutes of the discharge.
- “Composite sample” means a combination of at least two (2) sample aliquots, collected at periodic intervals. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to the total flow of storm water discharge flow since the collection of the previous aliquot. The Permittee may collect aliquots manually or automatically.
- Samples for analysis shall be collected during the first 15 minutes of the discharge and at 15-minute intervals thereafter for the duration of the discharge, as applicable. If the discharge lasts for over an hour, sample collection may cease.
- {3} If the duration of the discharge event is less than 30 minutes, the sample collected during the first 15 minutes of the discharge shall be analyzed as a grab sample and reported toward the fulfillment of this composite sample specification. If the duration of the discharge event is greater than 30 minutes, the Permittee shall analyze two (2) or more sample aliquots as a composite sample.
- {4} Monitor and Report. The value shall not exceed the applicable limit as specified in Chapter 11-54 for the applicable classification of the receiving state waters. If no limitation is specified in Chapter 11-54, then the Permittee shall monitor and report the analytical result. The Department may include discharge limitations specified in Section 11-55-19 and discharge limitations based on Federal Register, Vol. 73, No. 189, Pages 56572–56578, dated September 29, 2008.

- {5} The Total Nitrogen parameter is a measure of all nitrogen compounds in the sample (nitrate, nitrite, ammonia, dissolved organic nitrogen, and organic matter present as particulates).
- {6} The Permittee shall measure Oil and Grease using EPA Method 1664, Revision A.
- {7} This limitation applies to discharge into state waters classified as inland streams.
- {8} This limitation applies to discharge into state waters classified as marine open coastal waters.
- {9} The Permittee shall measure pH within 15 minutes of obtaining the grab sample.
- {10} This limitation applies to discharge into freshwater.
- {11} This limitation applies to discharge into saltwater.
- {12} The Permittee shall test for the total recoverable portion of all metals.
- {13} Toxic pollutants, as identified in Appendix D or 40 CFR Part 122 or in HAR, Chapter 11-54, Section 11-54-4, need only be analyzed if they are identified as potential pollutants requiring monitoring in the SWPCP. The Permittee shall test for the total recoverable portion of all metals. If monitoring results indicate that the discharge limitation was equaled or exceeded, the SWPCP shall be amended to include additional BMPs targeted to reduce the parameter which was in excess of the discharge limitation.
- {14} Effluent limitations are the acute water quality standards established in HAR, Chapter 11-54, Section 11-54-4. For pollutants which do not have established acute water quality standards, any detection concentration greater than 0.01 mg/l shall be reported.
- {15} Cyanide and the volatile fraction of the toxic organic compounds shall be sampled by grab sample. All other pollutants, as identified in Appendix D of the 40 CFR Part 122 or in HAR Chapter 11-54, Section 11-54-4 shall be sampled by composite sample.

Part F.3. Future TMDLs

As TMDLs are adopted by DOH and approved by the EPA that identify the Permittee as a source, the Permittee shall develop I&M Plans for a minimum of one (1) additional TMDL per year within one (1) year of the approval date. The Permittee shall include within each I&M Plan a compliance schedule with a final deadline to demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document. The schedule shall meet the requirements of HAR, Section 11-55-21 and 40 CFR 122.2 and 122.47 and provide for the implementation of the BMPs, monitoring to evaluate its performance, and time to make adjustments necessary to demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document at the earliest possible time. If the schedule extends beyond a year, interim dates and milestones shall be included in the schedule with the time between interim dates not to exceed one (1) year.

Part F.4. Re-opener

In accordance with 40 CFR Parts 122 and 124, this permit may be modified (i.e., to include compliance schedules, permit conditions, etc.) to address TMDLs as adopted by DOH and approved by the EPA.

**Part G. REPORTING REQUIREMENTS**

All submittals to DOH shall be in a format consistent with first satisfying the requirements of this permit.

Part G.1. Annual Report

PartG.1.a. The Permittee shall submit the Annual Report by August 31st of each year in pdf format (minimum 300 dpi) in accordance with Part A.7. The Annual Report shall cover the past fiscal year. The Annual Report for the fiscal year prior to the expiration date of the permit shall serve as the permit's renewal application. Submittal of the renewal application shall include a \$1,000 filing fee.

PartG.1.b. The Permittee shall revise its SWMP to include a description of reporting procedures and activities, including schedules and proposed content of the Annual Reports such that, at a minimum, the following is reported for each storm water program component in each Annual Report:

Part G.1.b.(1) *Requirements* - Describe what the Permittee was required to do (describe status of compliance with conditions of this permit and other commitments set forth in the SWMP).

Part G.1.b.(2) *Past Year Activities* - Describe activities over the reporting period in comparison to the requirements, including, where applicable, progress accomplished toward meeting specific measurable goals, standards and milestones or other specific performance requirements. When requirements were not fully met, include a detailed explanation as to why the Permittee did not meet its commitments for the reporting period. Also describe an assessment of the SWMP, including progress towards implementing each of the SWMP program components.

Part G.1.b.(3) *Future Activities* - Describe planned activities, including, where applicable, specific activities to be undertaken during the next reporting period toward accomplishing specific measurable goals, standards and milestones or other specific performance requirements.

Part G.1.b.(4) *Resources* - Report on the status of the Permittee's resource base for implementing this NPDES permit during the applicable reporting period and an estimate of the resources over and above those required in the current reporting period that will be required in the next reporting period.

PartG.1.c. *Modifications* - In each Annual Report, the Permittee shall describe any modifications made to the SWMP and implementation schedule during the past year, including justifications. The Permittee shall also describe major modifications made to the Permittee's Small MS4, including, but not limited to, addition and removal of outfalls, drainage lines, and DOT-AIR facilities.

PartG.1.d. *Program Effectiveness Reporting* - Within one (1) year of the effective date of the permit, the Permittee shall submit to DOH a written strategy for determining effectiveness of its SWMP. The strategy shall include water quality monitoring efforts as well as program implementation information and other indicators. The Permittee shall include an assessment of program effectiveness and identification of water quality improvements or degradation beginning with the 2<sup>nd</sup> Annual Report.

Part G.2. Annual Monitoring Report

Part G.2.a. The Permittee shall submit the Annual Monitoring Report by August 31st of each year in pdf format (minimum 300 dpi) in accordance with Part A.7. The Annual Monitoring Report shall cover the past fiscal year.

Part G.2.b. The monitoring report shall at a minimum, include the following items:

Part G.2.b.(1) Discussion on the activities/work implemented to meet each objective, as outlined in Part F.1.a., including any additional objectives identified by the Permittee, and the results [e.g., assessment of the water quality issues in each receiving State water resulting from storm water discharges from the DOT-AIR Small MS4, refer to Part F.1.a.(7)] and conclusions.

Part G.2.b.(2) Written narrative of the past fiscal year's activities, including those coordinated with other agencies, objectives of activities, results and conclusions.

Part G.2.b.(3) Data gathered on levels of pollutants in non-storm water discharges to the DOT-AIR Small MS4; and

Part G.2.b.(4) Using rainfall data collected by the Permittee and other agencies, the Permittee shall relate rainfall events, measured pollutant loads, and discharge volumes from the watershed and other watersheds that may be identified from time to time by the Director or Permittee.

Part G.2.b.(5) The date when monitoring occurred at the DOT-AIR Maintenance Baseyard Facility. The monitoring event shall be of a representative storm event, where results were available for all required parameters following the QA/QC measures as described in your Annual Monitoring Plan.

Part G.2.b.(6) Discharge Monitoring Reports (DMRs) for the DOT-AIR Maintenance Baseyard Facility shall be included in the Annual Monitoring Report and be submitted via NetDMR once established by the DOH. NetDMR is a Web-based tool that allows NPDES permittees to electronically sign and submit their DMRs to EPA's Integrated Compliance Information System (ICIS-NPDES) via the Environmental Information Exchange Network. A DMR must be submitted for the facility which is scheduled to be monitored even if sampling was not conducted. An explanation as to why sampling was not conducted shall be explained with the submittal.

Part G.3. Memorandum of Understanding (MOU)

DOT-AIR shall continue to maintain and comply with the "Memorandum of Understanding (MOU) Between Department of Transportation, State of Hawaii, and Department of Health, State of Hawaii" which was executed on March 29, 2000, to help the DOT-AIR comply with its NPDES permit coverages for various airports. As stated in the MOU, 40 CFR 122.26(d)(2)(i) requires that DOT-AIR obtain the legal authority to control the discharge of pollutants to its storm sewer system. Amendments to the MOU, if any, shall be summarized in the Annual Report.

**Part H. SUMMARY OF DEADLINES**

<b>Deadline</b>	<b>Description</b>	<b>Part</b>	<b>Submit to DOH</b>
1 year after the Effective Date of Permit (EDOP)	Revised SWMP Plan.	D.1.	Yes
30 calendar days after EDOP	Notify tenants previously covered under the DOT-AIR NPDES Permit that they are no longer covered and must obtain their own NPDES permit coverage or NPDES Conditional "No Exposure" Exclusion.	D.1.a.	No
1 year after EDOP	Establish requirements for issuing connection and discharge permits/approvals and require obtaining the permit prior to allowing the drain connection.	D.1.c.(1)	No
2 years after EDOP	Establish rules for enforcement and penalties for non-compliance with Part D.1.c.(1) and for persons illegally discharging pollutants to its Small MS4; and pursue enforcement actions.	D.1.c.(5)	No
2 years after EDOP	Establish rules to require construction projects to implement BMPs and standards.	D.1.d.(1)	No
90 calendar days after EDOP	Plan review checklist.	D.1.d.(2)(iv)	Yes
90 calendar days after EDOP	Inspection form(s), inspection checklist, and reporting and corrective procedures.	D.1.d.(3)(iv)	Yes
2 years after EDOP	Establish rules for enforcement and penalties for non-	D.1.d.(4)	No

<b>Deadline</b>	<b>Description</b>	<b>Part</b>	<b>Submit to DOH</b>
	compliance with Part D.1.d.(1); and develop and implement an Enforcement Response Plan.		
6 months after EDOP	Plan for requiring LID in its Standards.	D.1.e.(1)	Yes
12 months after EDOP	Draft of the revised Standards.	D.1.e.(1)	Yes
18 to 24 months after EDOP dependent on adoption by rulemaking	Final of the revised Standards.	D.1.e.(1)	Yes
1 year after EDOP	Action Plan for Retrofitting Structural BMPs	D.1.f.(1)(iv)	Yes
3 year after EDOP	Trash Reduction Plan	D.1.f.(1)(v)	Yes
1 year after EDOP	Implementation schedule for permanent erosion control improvements	D.1.f.(3)(i)	Yes
18 months after EDOP	Require the implementation of temporary erosion control measures on erosional areas within the DOT-AIR right-of-ways.	D.1.f.(3)(ii)	No
1 year after EDOP	WQC application(s) for temporary erosion control measures.	D.1.f.(3)(ii)	Yes
1 year after EDOP	Action Plan to address erosion at its storm drain system outlets.	D.1.f.(3)(iv)	Yes
Annual Report	Industrial facilities and activities inventory information.	D.1.g.(2)	Yes
Annual Report	Commercial facilities and	D.1.g.(3)	Yes

<b>Deadline</b>	<b>Description</b>	<b>Part</b>	<b>Submit to DOH</b>
	activities inventory information		
Within 30 calendar days of the inspection.	Inspection reports for high ranked industrial facilities that are required to have NPDES permit coverage.	D.1.g.(4)	Yes
2 years after EDOP	For Industrial and Commercial Facilities, establish and implement rules for enforcement and penalties.	D.1.g.(6)	No
90 calendar days of the change	Updates to the industrial and commercial inspection training	D.1.g.(7)	Yes
90 calendar day after EDOP	Status of its Hydrocarbon Removal and Remediation Plan	D.1.h.	Yes
90 days before any construction which requires disturbing contaminated soil or dewatering effluent.	DOH notification of projects which will disturb contaminated soil or involve dewatering.	D.1.h.	Yes
30 calendar days prior to the initiation date of the major modification	SWMP Modification Report	D.3.a.	Yes
90 calendar days after EDOP	NOI and SWPCP for its Industrial facilities/activities	E.3.	Yes
June 1 <sup>st</sup> of each year	Annual Monitoring Plan	F.1.a.	Yes
August 31 <sup>st</sup> of each year	Annual Report, to include but not limited to: <ul style="list-style-type: none"> <li>• Progress evaluation results of the public</li> </ul>	G.1.	Yes

<b>Deadline</b>	<b>Description</b>	<b>Part</b>	<b>Submit to DOH</b>
	<p>education program [Part D.1.a.(3)],</p> <ul style="list-style-type: none"> <li>• Description and reason for any revision to its Standards and copy of the revised Standards [Part D.1.d.(1)],</li> <li>• Updates to its inspection/maintenance schedule, including explanation of the changes [Part D.1.f.(1)(ii)],</li> <li>• Statuses of retrofitting projects [Part D.1.f.(1)(iv)],</li> <li>• Summary of its trash load reduction actions [Part D.1.f.(1)(v)],</li> <li>• Status report on implementation of erosion control measures at its storm drain system outlets [Part D.1.f.(3)(iv)],</li> <li>• Updated industrial inventory information [Part D.1.g.(2)]</li> <li>• Updated commercial inventory information [Part D.1.g.(3)]</li> <li>• SWMP Modifications [Part D.3.a.]</li> <li>• System Modifications [Part D.3.b.],</li> <li>• Annual Report requirements [Part G.1.],</li> </ul>		

Deadline	Description	Part	Submit to DOH
	and <ul style="list-style-type: none"> <li>• Amendments to MOUs [Part G.3.].</li> </ul>		
1 year after EDOP	Written strategy for determining effectiveness of its SWMP	G.1.d.	Yes
August 31 <sup>st</sup> of each year	Annual Monitoring Report with Discharge Monitoring Reports	G.2.	Yes

# ***Attachment II***

## ***Consent Decree***

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,  
DEPARTMENT OF HEALTH, STATE  
OF HAWAII,

Plaintiffs,

v.

DEPARTMENT OF TRANSPORTATION,  
STATE OF HAWAII

Defendant.

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OCT 06 2005

at 8 o'clock and 30 min. M  
SUE BEITIA, CLERK

CIVIL ACTION NO.

CV 05 00636 HG  
'KSC'

CONSENT DECREE  
WITH APPENDICES A - G

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1 The United States of America, on behalf of the United States Environmental Protection  
2 Agency ("EPA"), has filed a Complaint in this matter alleging that the Hawai`i Department of  
3 Transportation ("HDOT") has violated provisions of the Clean Water Act ("Act"), 33 U.S.C.  
4 §§1251- 1387, and the regulations promulgated pursuant to the Act, including the conditions and  
5 limitations of the Hawai`i General Construction Activities Storm Water Permit, HAR 11-55  
6 Appendix C; the Hawai`i General Industrial Activities Storm Water Permit, HAR 11-55  
7 Appendix B; HDOT's Honolulu International Airport NPDES permit, Permit No. HI0021440;  
8 and HDOT's Municipal Separate Storm Sewer System NPDES permit ("MS4") for Oahu, Permit  
9 No. HI0021245 (to be reissued as No. HIS000001). The State of Hawai`i, on behalf of the  
10 Hawai`i Department of Health ("DOH"), joined in the Complaint to bring claims against  
11 Defendants for violations of State law.

12 The Parties recognize, and the Court by entering this Consent Decree finds, that this  
13 Consent Decree has been negotiated by the Parties in good faith and will avoid litigation between  
14 the Parties and that this Consent Decree is fair, reasonable, and in the public interest.

15 NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without  
16 adjudication or admission of any issue of fact or law, and upon consent and agreement of the  
17 Parties, it is hereby ADJUDGED, ORDERED, AND DECREED as follows:

18 **I. GENERAL PROVISIONS**

19 1. Jurisdiction and Venue. This Court has jurisdiction over the subject matter of this  
20 action and over the parties pursuant to 33 U.S.C. §§1319 & 1365 and pursuant to 28 U.S.C.  
21 §§ 1331, 1345, 1355 & 1367. The Complaint states claims upon which relief may be granted  
22 under 33 U.S.C. §1319 and under applicable provisions of State law. Venue is proper in this  
23 District under 33 U.S.C. § 1319(b) and under 28 U.S.C. §§ 1391(b) and (c) & 1395(a), because  
24 the defendant may be found here and because the transactions and occurrences giving rise to the  
25 Complaint occurred here. For purposes of the Decree, HDOT consents to and will not contest  
26 the Court's exercise of personal jurisdiction over HDOT or venue in this District.



1 c. BMP Program Plan (“BMPPP”) shall mean a programmatic chapter under  
2 the Storm Water Management Program Plan (“SWMPP”) that meets the terms and  
3 conditions of the MS4 permit and the requirements of Section V of this Consent Decree  
4 (Injunctive Relief).

5 d. “Clean Water Act” or “Act” shall mean the Federal Water Pollution  
6 Control Act, as amended, 33 U.S.C. §§ 1251–1387.

7 e. “Connection Permit” shall mean a permit issued by HDOT for physical  
8 connections into its Oahu MS4.

9 f. “Critical deficiencies” for purposes of Paragraph 10.g.(2) shall mean those  
10 deficiencies that pose an immediate threat for the discharge of pollutants to the storm  
11 drain system, surface waters, or State waters. Critical deficiencies include, but are not  
12 limited to, the following examples:

13 (1) Any observed discharge, or evidence of discharge, of untreated  
14 storm water or non-storm water to the storm drain system, surface waters, or State  
15 waters generated by the construction activity.

16 (2) Absence of linear barriers and/or perimeter controls required by the  
17 BMP Plan.

18 (3) There are identified storm drain inlets, surface waters, or State  
19 waters within or adjacent to the project site in close proximity to disturbed soil  
20 areas without control measures in place that pose an immediate threat of untreated  
21 storm water discharges.

22 (4) Work in an active stream channel or other surface water body  
23 without proper implementation of required BMPs.

24 (5) Presence of any spilled oil or hazardous materials near to  
25 unprotected storm drain inlet, surface waters, or State waters.

1 g. "Day" shall mean a calendar day unless otherwise specified to be a  
2 working day. "Business Day" shall mean a day other than a Saturday, Sunday, State or  
3 Federal legal holiday. In computing a prescribed period of time, the day of the event shall  
4 not be included. If a stated time period expires on a Saturday, Sunday, State or Federal  
5 legal holiday, it shall be extended to include the next working day.

6 h. "Discharge Permit" shall mean a permit issued by HDOT for discharges  
7 into its Oahu MS4.

8 i. "DOH" shall mean the Hawai'i Department of Health and any of its  
9 successor departments, agencies, or instrumentalities.

10 j. "Encroachment permit project" shall mean a construction project  
11 undertaken by a third party within one of HDOT's rights-of-way and that requires the  
12 issuance by HDOT of a "Permit to Perform Work Upon State Highways".

13 k. "EPA" shall mean the United States Environmental Protection Agency and  
14 any of its successor departments, agencies, or instrumentalities.

15 l. "General Construction Activities Storm Water Permit" refers to the permit  
16 issued by DOH for Construction Activities, HAR 11-55 Appendix C.

17 m. "General Industrial Activities Storm Water Permit" refers to the permit  
18 issued by DOH for Industrial Activities, HAR 11-55 Appendix B.

19 n. "High Priority Watersheds" shall mean those depicted at Appendix A  
20 which is incorporated herein by reference.

21 o. "Industrial Activity" shall have the meaning set forth in 40 C.F.R. §  
22 122.26(b)(14)(i)-(xi), excluding 40 C.F.R. § 122.26(b)(14)(x).

23 p. "Inspection" for purposes of Paragraph 10.k.(2) shall mean, at a minimum,  
24 (1) Visual inspection of the inlet(s) and/or point of connection to the  
25 MS4 for evidence of the presence of pollutants or other illegal discharges;  
26  
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28

1 (2) Visual inspection of the tributary area for potential sources of  
2 pollutants exposed to stormwater and the presence of BMPs, if any, employed to  
3 prevent the discharge of those pollutants to the MS4; and

4 (3) Discussion with a facility representative to ensure that they know  
5 the difference between allowable discharges to the MS4 and pollutant discharges  
6 which are not allowed to be discharged to the MS4.

7 q. "Major deficiencies" for purposes of Paragraph 10.g.(2) shall mean those  
8 deficiencies that are significant problems which could result in the discharge of pollutants  
9 to the storm drain system, surface waters, or State waters. Major deficiencies include, but  
10 are not limited to, the following examples:

11 (1) No Best Management Practices (BMP) Plan or NPDES permit (if  
12 required).

13 (2) Linear barriers and/or perimeter controls in areas tributary to a  
14 water body or drain inlet are installed as required by the BMP Plan, but are not  
15 functional. This includes silt fences that are not anchored properly, have  
16 collapsed, been driven over or overwhelmed by accumulated sediment.

17 (3) Hazardous materials or waste is stored within the project without  
18 containment or implementation of BMPs.

19 (4) Oil, fuel, or brake or transmission fluid spills covering more than  
20 one square yard and/or adjacent to protected storm drain inlets, surface waters, or  
21 State waters.

22 (5) Any discharge of sediment or other deleterious material resulting  
23 from dewatering operations conducted without implementation of required BMPs  
24 for dewatering.

25 (6) Sediment tracking more than 50 feet from project ingress/egress  
26 location(s).

1 (7) Expansion of the active disturbed soil area limit without written  
2 approval.

3 (8) Soil stabilization and sediment controls are not installed in  
4 accordance with applicable construction site BMP Plan.

5 (9) Sediment controls are installed in accordance with the BMP Plan,  
6 but there is a large unstabilized disturbed soil area with insufficient controls  
7 downgradient to prevent the discharge of untreated storm water to the storm drain  
8 system, surface waters, or State waters if a rain event generates runoff.

9 (10) Dust from project site visibly blowing off the site and into storm  
10 drain conveyances or adjacent surface water bodies.

11 r. "Master Consultant" shall mean the consultant or consultants procured by  
12 HDOT in order to provide various functions in support of the requirements of this  
13 Consent Decree.

14 s. "Minor deficiencies" for purposes of Paragraph 10.g.(2) shall mean those  
15 deficiencies that do not pose a threat for discharge of untreated storm water or pollutants  
16 to the storm drain system, surface waters, or State waters, but are not in strict  
17 conformance with the SWPPP or BMP Plan. Minor deficiencies include, but are not  
18 limited to, the following examples:

19 (1) BMP Plan does not reflect current operations and an amendment is  
20 recommended.

21 (2) BMPs are not deficient, but are not consistent with the BMP Plan.

22 (3) Linear barriers and/or perimeter controls are installed as required  
23 by the BMP Plan, but require minor maintenance. For example, a silt fence which  
24 is not anchored properly throughout the entire length or an inlet protection device  
25 with some accumulated silt.

1 (4) Soil stabilization or sediment controls are installed as required by  
2 the BMP Plan, but not properly maintained.

3 (5) Site inspections by project staff are not being conducted at the  
4 required frequencies.

5 (6) Non-storm water or waste management BMPs improperly  
6 maintained.

7 (7) Oil, fuel, or brake or transmission fluid spills covering less than  
8 one square yard and not adjacent to storm drain inlets, surface waters, or State  
9 waters.

10 (8) Evidence of active wind erosion on unstabilized slopes/stock piles.

11 (9) Minor tracking less than 50 feet from project ingress/egress  
12 locations.

13 (10) Major deficiencies which are corrected prior to the inspector  
14 leaving the site.

15 t. "MS4 Permit" refers to the NPDES permit issued by DOH to HDOT  
16 Highways Division for discharges from HDOT's municipal separate storm sewer system  
17 on the Island of Oahu and designated as Permit No. HI0021245 and to be reissued as No.  
18 HIS000001.

19 u. "Notice of Intent" shall mean a request for coverage under a General  
20 Permit.

21 v. "Parties" means the United States, on behalf of EPA; the State, on behalf  
22 of DOH; and HDOT.

23 w. "Responsible Officer" shall mean an official of HDOT in charge of storm  
24 water program functions for either the Highways Division or the Airports Division, or any  
25 other person who performs similar policy or decision making functions for HDOT and is  
26 authorized as set forth at 40 C.F.R. § 122.22.



1 Activities Storm Water permit, HAR 11-55 Appendix B; and the Hawai'i General Construction  
2 Activities Storm Water permit, HAR 11-55 Appendix C.

3 **III. APPROVAL PROCESS**

4 5. Approval of Deliverables. After review of any plan, report, or other item that is  
5 required to be submitted pursuant to this Consent Decree, EPA and DOH shall in writing: (a)  
6 approve the submission; (b) approve the submission upon specified conditions; (c) approve part  
7 of the submission and disapprove the remainder; or (d) disapprove the submission.

8 a. If the submission is approved pursuant to Paragraph 5.(a), HDOT shall  
9 take all actions required by the plan, report, or other document, in accordance with the  
10 schedules and requirements of the plan, report, or other document, as approved. If the  
11 submission is conditionally approved or approved only in part, pursuant to Paragraph  
12 5.(b) or (c), HDOT shall, upon written direction of EPA and DOH, take all actions  
13 required by the approved plan, report, or other item that EPA and DOH determine are  
14 technically severable from any disapproved portions, subject to HDOT's right to dispute  
15 only the specified conditions or the disapproved portions, under Section X of this Decree  
16 (Dispute Resolution).

17 b. If the submission is disapproved in whole or in part pursuant to Paragraph  
18 5.(c) or (d), HDOT shall, within 30 business days or such other time as agreed to in  
19 writing, correct all deficiencies and resubmit the plan, report, or other item, or  
20 disapproved portion thereof, for approval, in accordance with the preceding Paragraphs.  
21 If the resubmission is approved in whole or in part, HDOT shall proceed in accordance  
22 with the preceding Subparagraph.

23 6. Any Stipulated Penalties applicable to the original submission, as provided in  
24 Section VIII of this Decree, shall accrue during the 30-day period or other period specified for  
25 resubmission, but shall not be payable unless the resubmission is untimely or is disapproved in  
26 whole; provided that, if the original submission was so deficient as to constitute a material breach  
27

1 of HDOT's obligations under this Decree, the Stipulated Penalties applicable to the original  
2 submission shall be due and payable notwithstanding any subsequent resubmission.

3 7. If a resubmitted plan, report, or other item, or portion thereof, is disapproved in  
4 whole or in part, EPA and DOH may again require HDOT to correct any deficiencies, in  
5 accordance with the preceding Paragraphs, or may itself correct any deficiencies, subject to  
6 HDOT's right to invoke Dispute Resolution and to the right of EPA and DOH to seek Stipulated  
7 Penalties as provided in the preceding Paragraphs.

#### 8 **IV. CERTIFICATION OF REPORTS AND SUBMISSIONS**

9 8. Except as otherwise expressly provided in this Consent Decree, any report or  
10 other document submitted by HDOT pursuant to this Decree that makes any representation  
11 concerning compliance or noncompliance with any requirement of this Decree, the Act or its  
12 implementing regulations, or any applicable permit, shall be certified by a Responsible Officer of  
13 HDOT. The certification shall be in the following form:

14 I certify under penalty of law that I have examined and am familiar with the  
15 information submitted in this document and all attachments and that this  
16 document and its attachments were prepared either by me personally or under my  
17 direction or supervision in a manner designed to ensure that qualified and  
18 knowledgeable personnel properly gather and present the information contained  
19 therein. I further certify, based on my personal knowledge or on my inquiry of  
20 those individuals immediately responsible for obtaining the information, that the  
21 information is true, accurate and complete. I am aware that there are significant  
22 penalties for submitting false information, including the possibility of fines and  
23 imprisonment for knowingly and willfully submitting a materially false statement.

#### 24 **V. INJUNCTIVE RELIEF**

25 Highways Division Oahu District MS4

26 Compliance with December 2003 SWMPP and Additional Requirements

27 9. Upon entry of this Consent Decree, HDOT shall fully and completely implement  
28 its December 2003 Storm Water Management Program Plan ("SWMPP"). In addition, HDOT  
shall also comply with the additional requirements set out below at Paragraphs 9.a - 9.g. For  
each of these additional requirements, HDOT shall make and submit the necessary modifications

1 to its SWMPP and implement those modifications upon submittal. HDOT shall make additional  
2 modifications as requested by EPA and DOH, in accordance with Section III (Approval Process).

3 a. Debris Removal Best Management Program

4 (1) Within 60 days of entry of this Consent Decree HDOT shall  
5 modify, and implement accordingly, the Street Sweeping Schedule as set out as  
6 Table II-1 of the December 2003 SWMPP so as to provide for the sweeping of all  
7 state highway segments on Oahu (shoulders and medians) at least as frequently as  
8 set forth in this Paragraph. A list of roadway segments and their respective  
9 minimum sweeping frequencies is set out at Appendix B and incorporated herein  
10 by reference. HDOT may propose revisions to this modified Street Sweeping  
11 schedule when it submits the revised SWMPP in accordance with Paragraph 10.f  
12 below.

13 (2) Within 60 days of entry of this Consent Decree, HDOT shall  
14 modify, and implement accordingly, the Storm Drainage Structure Inspection  
15 Schedule as set out as Table II-2 of the December 2003 SWMPP so as to provide  
16 for the inspection and necessary cleaning, as provided for at Pages DR3-1 and  
17 DR3-2, of all state highway storm drainage system gutters, swales, open channels/  
18 ditches, culverts, drain inlets, catch basins, manholes, outfalls, and other  
19 accessible discharge points that are appurtenant to all state highway segments on  
20 Oahu according to the requirements of this Paragraph. The minimum inspection  
21 and cleaning frequencies required by this Subparagraph are set out at Appendix C  
22 and incorporated herein by reference. HDOT may propose revisions to this  
23 modified Storm Drainage Structure Inspection Schedule when it submits the  
24 revised SWMPP per Paragraph 10.f, below.

25 (3) Within two years of entry of this Consent Decree, HDOT shall  
26 develop and implement a comprehensive asset management system for the Oahu  
27

1 District's storm drain system and related appurtenances, including maintenance  
2 equipment, to ensure appropriate debris removal and system maintenance. The  
3 asset management system shall include justification of its priorities on the basis of  
4 potential impacts to water quality and shall, at a minimum, include identification  
5 of the number and location of all drain inlets and outfalls. HDOT shall use this  
6 asset management system to establish priorities and to schedule and track  
7 appropriate system maintenance and debris removal program activities, such as  
8 street sweeping, catch basin cleaning, and green waste and accumulated soil  
9 removal. The asset management system shall be included in the modified  
10 SWMPP upon its completion.

11 b. Construction Activities BMP Program

12 (1) Within 90 days after entry of this Decree, HDOT shall provide a  
13 copy of the current edition of the City and County of Honolulu's "Best  
14 Management Practices Manual for Construction Sites in Honolulu" ("CCH  
15 Manual"), to all appropriate staff involved in construction, including contractors  
16 and in-house employees (including employees of the Maintenance Section who  
17 are either directly or indirectly involved in the implementation of activities under  
18 either the SWMPP and/or this Consent Decree), those involved in work done  
19 pursuant to encroachment permits, and those involved in erosion control projects.  
20 For the purposes of this Subparagraph, it shall be sufficient for HDOT to provide  
21 to the offices listed in Appendix G, at a minimum, the number of CCH Manuals  
22 specified in Appendix G. Within 90 days after entry of the Consent Decree, any  
23 Contractor (either professional consultant or construction contractor) involved  
24 with construction at HDOT facilities or within State Highways rights-of-way shall  
25 be required to obtain the CCH Manual.

1 (2) HDOT shall provide annual training on the Construction BMP  
2 Program Plan to all staff with construction storm water responsibilities, including  
3 construction engineers, maintenance staff, and plan reviewers. This training shall  
4 be specific to HDOT activities (including the proper installation and maintenance  
5 of approved BMPs), policies, and procedures. The first annual training shall be  
6 conducted by no later than September 15, 2005 or within 30 days after entry of  
7 this Decree, whichever is later.

8 (3) Beginning 30 days after entry of this Decree, HDOT shall not  
9 allow construction to commence on any contract, in-house, or encroachment  
10 permit project unless and until it (a) has verified that the project has received from  
11 DOH a Notice of General Permit Coverage under the Hawai'i General  
12 Construction Activities Storm Water permit (unless the project will disturb less  
13 than one acre of land) and has satisfied any other applicable requirements of the  
14 Hawai'i NPDES permit program, and (b) has reviewed the applicable Site-  
15 Specific BMP Plan to verify that it fully meets all requirements of the following,  
16 to the extent that they are applicable: (i) HDOT's Standard Provisions (Sections  
17 107.17 and 209); (ii) Water Pollution and Erosion Control Notes; (iii) NPDES  
18 Requirements for Permit Projects Within State Highway Right-of-Way Notes; (iv)  
19 the General Construction Activities Storm Water NPDES permit; and (v) any  
20 other applicable requirements of the Hawai'i NPDES permit program. For  
21 encroachment permit projects, HDOT shall only be responsible for the activities  
22 described in Subparagraphs 9.b.(1) and 9.b.(3) above, for work that occurs within  
23 HDOT rights-of-way.

24 (4) Within 10 business days after entry of this Decree, HDOT shall  
25 submit for approval a checklist that its reviewers shall use in evaluating the BMP  
26 plans pursuant to this Paragraph. Upon approval, HDOT shall provide copies of  
27  
28

1 this checklist to applicants for encroachment permits and to contractors for their  
2 use in developing construction Site-Specific BMP Plans for HDOT-contracted  
3 construction projects.

4 (5) Upon entry of this Decree, prior to the initiation of ground-  
5 disturbing activities at any Site, except for activities associated with the  
6 installation of BMPs at a Site, no other construction activities may commence  
7 until an HDOT engineer (or an engineer retained by HDOT) or qualified inspector  
8 reviews and becomes familiar with the projects' site-specific BMP plan and  
9 inspects the Site to determine whether the BMPs required by the BMP plan have  
10 been installed correctly and in the correct locations. The engineer or qualified  
11 inspector who conducts this inspection shall document that the BMPs required by  
12 the BMP plan have been installed correctly and in the correct locations prior to the  
13 commencement of any other ground-disturbing activity.

14 c. Chemical Applications BMP Program. Within 60 days after entry of this  
15 Decree, HDOT shall develop and implement a specific training program, for all potential  
16 appliers (bulk and hand-held) of fertilizers, pesticides, and herbicides, in the proper  
17 application of those substances. HDOT shall not permit the application of fertilizers,  
18 pesticides, or herbicides unless the applier has first received this training.

19 d. Erosion Control BMP Program. Within 180 days after entry of this  
20 Decree, HDOT shall submit for approval a plan for the completion of high priority  
21 erosion control projects on all of the sites listed in Appendix D which is incorporated  
22 herein by reference. This plan shall include for each site, at a minimum: the proposed  
23 erosion control methodology to be utilized; construction schedule; cost estimate;  
24 completion criteria; and a schedule for post-completion inspection and maintenance. All  
25 erosion control projects to be done under this Subparagraph shall be completed by no  
26  
27  
28

1 later than two years after entry of this Decree. HDOT shall continue to perform  
2 maintenance activities on completed projects as necessary.

3 e. Maintenance Facilities BMP Program

4 (1) Within 90 days after entry of this Decree, HDOT shall develop and  
5 implement, for each maintenance baseyard located on Oahu, a site-specific  
6 SWPCP that includes, among other things, a detailed site plan, site description,  
7 and facility layout, description of potential pollutant sources, site-specific BMPs,  
8 inspection procedures, and spill cleanup procedures. An individual at each facility  
9 (e.g., yard foreman) shall be charged with ensuring implementation of the  
10 SWPCP. This individual shall be trained to conduct inspections and identify areas  
11 for BMP improvement. To ensure consistency and provide assistance and  
12 oversight, HDOT shall identify an individual, also trained to conduct inspections  
13 and identify areas for BMP improvement and independent of any specific  
14 baseyard, who shall conduct inspections of all six baseyards at least quarterly.

15 (2) HDOT shall develop and implement a formal storm water  
16 awareness training program for Oahu District Maintenance supervisors and staff  
17 that identifies potential sources of pollution, general BMPs that can be used to  
18 reduce or eliminate such sources, and specific BMPs for the District's facilities  
19 and activities. The training shall incorporate elements of the public education  
20 campaign being implemented by the City and County of Honolulu and shall  
21 educate staff that they serve a role in protecting water quality. Maintenance  
22 supervisors and staff shall be made aware of the NPDES permit, the overall  
23 SWMPP, the SWPCP for their baseyard, and the applicable BMPPP(s). HDOT  
24 shall conduct the first round of this training by no later than September 15, 2005  
25 or within 30 days after entry of this Decree, whichever is later.

26 f. New Development and Significant Redevelopment BMP Program Plan

1 (1) Within 90 days of the commencement of services by the Master  
2 Consultant, or within 180 days of entry of this Decree, whichever comes first,  
3 HDOT shall develop and implement specific criteria establishing when permanent  
4 post-construction BMPs must be included in project design to address storm water  
5 impacts and pollutants of concern. These criteria shall take into consideration,  
6 among other things, potential water quality impacts anticipated from the  
7 permanent post-construction conditions. Permanent post-construction BMPs to be  
8 considered shall include those designed to treat storm water runoff and other  
9 structural type devices.

10 (2) Upon approval of the criteria established under Paragraph 9.f.(1),  
11 above, HDOT shall not advertise any construction project or award any  
12 construction contract unless and until the project design has been reviewed to  
13 ensure that appropriate permanent post-construction BMPs have been included in  
14 the project design and are included in the bid package. No project shall proceed  
15 without the inclusion of appropriate permanent post-construction BMPs unless  
16 there is specific documentation demonstrating that such post-construction BMPs  
17 are not practicable. For the purposes of this Paragraph and for a period not to  
18 exceed 60 days after approval of the criteria, matters concerning the timing or  
19 scheduling of a project may be considered as a reason that post-construction  
20 BMPs are not practical for inclusion in the project design. Project documents for  
21 projects that will include installation of permanent post-construction BMPs shall  
22 also include appropriate requirements for their future continued maintenance.

23 (3) Upon approval of the criteria established under Paragraph 9.f.(1),  
24 HDOT shall not issue any encroachment, discharge, or connection permit for any  
25 project that requires NPDES permit coverage under the General Construction  
26 Activities Storm Water Permit unless and until the project design has been  
27

1 reviewed to ensure that appropriate permanent post-construction BMPs have been  
2 included in the project design and are included in the permit application package.  
3 No encroachment, discharge, or connection permit shall be issued without the  
4 inclusion of appropriate permanent post-construction BMPs unless there is  
5 specific documentation demonstrating that such post-construction BMPs are not  
6 practicable. Permit documents for applications that will include installation of  
7 permanent post-construction BMPs shall also include appropriate requirements for  
8 their future continued maintenance.

9 g. Illicit Connection / Illegal Discharge Elimination Program

10 (1) HDOT shall complete follow-up investigations on all industrial,  
11 commercial, and high-density residential parcels discharging to HDOT's MS4 that  
12 are indicated in the December 2000 Storm Water Questionnaire Survey of Parcels  
13 Adjacent to Highway Rights-of-Way ("Questionnaire Survey"). Follow-up  
14 investigations shall be ranked as follows: parcels identified in the Questionnaire  
15 Survey as priorities 1-4 shall be considered as Tier 1 parcels; parcels identified as  
16 priorities 5-16 shall be considered as Tier 2 parcels; and parcels identified as  
17 priorities 17-30 shall be considered as Tier 3 parcels. Each such investigation  
18 shall be deemed completed upon either (a) the issuance of a discharge or  
19 connection permit, or (b) sufficient documentation to support a conclusion that no  
20 discharge or connection permit is necessary because (i) there is no physical  
21 connection present, or (ii) the only potential discharges from non-industrial  
22 activities are by overland sheet flow. Tier 1 investigations shall be completed  
23 within 18 months after entry of this Decree. All Tier 2 and Tier 3 investigations  
24 shall be completed within 3 years after entry of this Decree.

25 (2) Within 60 days after entry of this Decree, HDOT shall transmit to  
26 DOH full electronic and paper copies of its survey parcel database, sorted by SIC  
27

code. HDOT shall provide electronic and paper updates to this list, reflecting outcomes of the investigations discussed above, on an annual basis in its Annual Report.

SWMPP Revisions

10. HDOT shall revise and submit for approval its Oahu District Storm Water Management Program Plan (“SWMPP”) to incorporate the requirements set out at Paragraphs 9.a - 9.g, above, and at Paragraphs 10.a - 10.k, below. Unless specified otherwise, HDOT shall submit the revised SWMPP within 240 days of the commencement of services by the Master Consultant, or within one year of entry of this Decree, whichever comes first. Upon its submittal, HDOT shall fully and completely implement all parts of the revised SWMPP, which shall supersede the December 2003 SWMPP. HDOT shall make additional modifications as requested by EPA and DOH, in accordance with Section III (Approval Process).

a. Storm Water Management Program Structure. HDOT shall revise its SWMPP to include a formal storm water management program structure for the Oahu District MS4 program that includes, at a minimum, designated storm water contacts for each Highways Division branch, program, and field office, as appropriate. An organization chart to reflect this structure shall also be developed and submitted. For each designated contact, HDOT shall include a description of the position’s roles and responsibilities for the storm water program. HDOT shall hold monthly meetings with these contacts to discuss implementation and evaluation of the storm water program. HDOT shall maintain copies of the sign-in sheets for these meetings in accordance with Paragraph 52, below, and these shall be made available to EPA and DOH upon request.

b. Measurable Goals. HDOT shall revise its SWMPP to include a combination of both direct and indirect objective, quantitative standards (“measurable goals”) that can be used to measure progress under each specific program element in its SWMPP. In its SWMPP, HDOT shall incorporate the specific measurable goals

1 identified in other parts of this Consent Decree in addition to developing other  
2 appropriate measurable goals.

3 c. Training and Education

4 (1) HDOT shall revise its SWMPP to establish a training program  
5 such that all HDOT staff and management involved in storm water management  
6 activities shall receive at least annual storm water training in the requirements of  
7 each program element for which they have responsibility. This training program  
8 shall include, at a minimum, for each program element: (a) identification and  
9 qualifications of the trainers; (b) training in, at a minimum for each program  
10 element, the following topic areas: review of applicable measurable goals; the  
11 selection and implementation of appropriate BMPs; and review of storm water  
12 regulations, permits, and the terms of this Consent Decree; and (c) appropriate  
13 documentation of training activities.

14 (2) To the extent that HDOT utilizes contractors, with the exception of  
15 general contractors used to construct contract construction projects, to implement  
16 any SWMPP activities, HDOT shall require that such contractors receive training  
17 equivalent to that included in HDOT's training program in all applicable areas.

18 (3) No less than annually, HDOT shall offer appropriate storm water  
19 runoff management training to general contractors and subcontractors used to  
20 construct HDOT's contract construction projects. Such training shall emphasize  
21 sediment and erosion control requirements and BMPs (Chapter 2 in the CCH  
22 manual), but shall additionally cover, in appropriate detail, requirements and  
23 BMPs for all of the other Contractor Activities covered in Chapter 1 of the CCH  
24 Manual.

25 (4) Prior to the issuance of any Notice to Proceed, or the equivalent, to  
26 any contractor on any contract construction project, HDOT shall hold a  
27

1 preconstruction meeting with the project's prime contractor during which the  
2 requirements of the General Construction Activities Storm Water Permit shall be  
3 discussed, as well as (a) Standard Provisions (Sections 107.17 and 209); (b)  
4 "Water Pollution and Erosion Control Notes"; and (c) the applicable requirements  
5 of this Consent Decree.

6 d. Monitoring of Program Effectiveness. HDOT shall revise its SWMPP to  
7 include a discussion of specific activities to be undertaken in order to assess BMP  
8 effectiveness, including an evaluation of success in achieving measurable goals and a  
9 discussion of available and applicable water quality monitoring data. Assessments of  
10 program effectiveness shall be conducted at least annually and be reported in HDOT's  
11 End-of-Year Reports.

12 e. Reporting. HDOT shall revise its SWMPP to include a description of  
13 reporting procedures and activities, including schedules and proposed content of semi-  
14 annual and annual reports such that, at a minimum, the following is reported for each  
15 storm water program element (BMP Program) in each Mid-Year and End-of-Year Report:

16 (1) Requirements: description of what HDOT was required to do  
17 (permit requirements, EPA or DOH orders for compliance, or other commitments  
18 set forth in the SWMPP and this Consent Decree);

19 (2) Past Year Activities: description of activities over the reporting  
20 period including, where applicable, progress accomplished toward meeting  
21 specific measurable goals or other specific performance requirements and  
22 including, when requirements were not fully met, a detailed explanation as to why  
23 HDOT did not meet its commitments for the reporting period;

24 (3) Future Activities: description of planned activities including,  
25 where applicable, specific activities to be undertaken during the next reporting  
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1 period toward accomplishing specific measurable goals or other specific  
2 performance requirements;

3 (4) Resources: report on the status of HDOT's resource base for  
4 implementing both this Consent Decree and HDOT's NPDES permit during the  
5 applicable reporting period, together with an estimate of the resources over and  
6 above those required in the current reporting period that will be required in the  
7 next reporting period.

8 f. Debris Removal Best Management Practices Program. HDOT shall revise  
9 its SWMPP to develop procedures and a schedule for inspections of:

10 (1) all state highways on Oahu for the purpose of identifying whether  
11 sweeping or brooming of roadways, shoulders, or medians is needed, and

12 (2) all state highway storm drainage system catch basins, gutters and  
13 open ditches, trenches, and storm drains on Oahu for the purpose of identifying  
14 whether cleaning of such structures is needed.

15 In both cases identified in the preceding Subparagraphs, the need for sweeping, brooming, or  
16 structure cleaning shall, in addition to other criteria, be determined based upon material  
17 accumulation rates and potential threat of discharges to waters of the United States that may have  
18 an effect on water quality. The schedule shall provide that each highway mile and storm  
19 drainage feature is inspected at least once annually, but that highway segment drainages and their  
20 associated storm features that are located in High Priority Watersheds shall be inspected at least  
21 semiannually. The adopted procedures shall also provide for the identification of other highway  
22 segments (in addition to those located in High Priority Watersheds) and their associated storm  
23 drainage features that may require more frequent sweeping, brooming, or structure cleaning  
24 based upon material accumulation rates and potential threat of discharges to waters of the United  
25 States that may have an effect on water quality. The procedures shall establish debris  
26 accumulation thresholds above which sweeping, brooming, or structure cleaning must occur.

1 g. Construction Activities BMP Program.

2 (1) HDOT shall revise the following documents to require use of the  
3 CCH Manual and the City and County of Honolulu's "Rules for Soil Erosion  
4 Standards and Guidelines," April 1999: (a) Standard Provisions (Sections 107.17  
5 and 209); (b) "Water Pollution and Erosion Control Notes"; and (c) "NPDES  
6 Requirements for Permit Projects Within State Highway Right-of-Way Notes."  
7 These revised documents shall be used, to the extent applicable, on all contract,  
8 in-house, and encroachment permit construction projects on Oahu. HDOT shall  
9 incorporate these revised documents, either explicitly or by reference, into its  
10 revised SWMPP.

11 (2) HDOT shall revise its SWMPP to specify mandatory minimum  
12 project inspection and enforcement requirements for use at all construction sites  
13 as follows:

14 (a) In addition to inspections required by the Hawai'i General  
15 Construction Activities Storm Water permit, and as otherwise required  
16 under the Hawai'i NPDES permit program, all in-house and contract  
17 construction projects shall be inspected at least monthly by a qualified  
18 construction inspector who is independent (i.e., not involved in the  
19 projects' day-to-day planning, design, or implementation) of the  
20 construction projects to be inspected. HDOT may use more than one  
21 qualified construction inspector for these inspections. HDOT, in  
22 consultation with DOH, shall develop and implement a standard  
23 inspection form, and reporting procedures for use in these inspections.  
24 The inspection form shall include, at a minimum, a checklist for the proper  
25 installation of BMPs specified in the BMP plan, and the reporting  
26 procedures shall include, at a minimum, notification of critical deficiencies

1 to the Director of HDOT and DOH. Upon three successive monthly  
2 inspections that indicate, in total, no critical or major deficiencies or less  
3 than six minor deficiencies with no more than three minor deficiencies in  
4 one month in a project's BMPs or other storm water management  
5 activities, HDOT may decrease the inspection frequency for such project  
6 to quarterly. However, if while under a quarterly inspection frequency, an  
7 inspection of a project conducted pursuant to this Paragraph indicates at  
8 least one critical or major deficiency or a total of three or more minor  
9 deficiencies in the project's BMPs or other storm water management  
10 activities, the inspection frequency shall immediately return to no less than  
11 monthly. HDOT shall further develop and implement written procedures  
12 for appropriate corrective actions and follow-up inspections when an  
13 inspected project is not in full compliance with this Consent Decree, the  
14 HDOT MS4 permit, the Hawai'i General Construction Activities Storm  
15 Water permit, or any other applicable requirements under the Hawai'i  
16 NPDES permit program. The corrective action procedures shall at a  
17 minimum require that (i) any critical deficiencies shall be corrected or  
18 addressed before the close of business on the day of the inspection at  
19 which the deficiency is identified, and (ii) any major deficiencies shall be  
20 corrected or addressed as soon as possible, but in no event later than five  
21 business days after the inspection at which the deficiency is identified or  
22 before the next forecasted precipitation, whichever is sooner.

23 (b) All encroachment permit construction projects shall be  
24 inspected at least once during the life of the project, and any project of the  
25 types listed immediately below shall be inspected at least annually if it  
26 continues longer than one year's duration:  
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- 1                                   1)     Housing/commercial development improvements
- 2                                   which include large roadway and utility improvements or any
- 3                                   grading within HDOT's rights-of-way;
- 4                                   2)     Utility main installation (waterlines, sewerlines,
- 5                                   underground electrical lines, etc.);
- 6                                   3)     Landscape/irrigation installation (e.g. median
- 7                                   beautification projects); and
- 8                                   4)     Drainline connections.

9 All inspections shall be conducted by a qualified construction inspector. HDOT may use more  
10 than one qualified construction inspector for these inspections. HDOT, in consultation with  
11 DOH, shall develop and implement a standard inspection form and reporting procedures for use  
12 in these inspections. The inspection form shall include, at a minimum, a checklist for the proper  
13 installation of BMPs specified in the BMP plan, and the reporting procedures shall include, at a  
14 minimum, notification of any critical deficiencies to the Director of HDOT and DOH. HDOT  
15 shall further develop and implement written procedures for appropriate corrective actions and  
16 follow-up inspections when an inspected project is not in full compliance with this Consent  
17 Decree, the HDOT MS4 permit, or the Hawai'i General Construction Activities Storm Water  
18 permit.

19                   h.     Erosion Control Best Management Practices Program. HDOT shall revise  
20 its SWMPP as follows:

- 21                                   (1)     HDOT shall include water quality impacts as a priority in selecting
- 22                                   projects for erosion control improvements, ensuring that erosional areas with the
- 23                                   potential for significant water quality impact, but with limited public safety
- 24                                   concerns, are also considered a high priority for remediation. Erosional areas with
- 25                                   the potential for significant water quality impact shall include areas where there is
- 26                                   evidence of rilling or gullyng or other evidence of significant sediment transport
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1 and that are located within High Priority Watersheds. HDOT shall identify and  
2 implement erosion control projects based on water quality concerns while  
3 continuing to address high profile public safety projects.

4 (2) HDOT shall require the prompt implementation of temporary  
5 erosion control measures (e.g., erosion control blankets or fabrics, gravel bags,  
6 and silt fence/fiber rolls) on the erosional areas with the potential for significant  
7 water quality impact identified in the preceding Subparagraph if a permanent  
8 solution is not immediately possible.

9 (3) HDOT shall modify the list of approved erosion and sediment  
10 control BMPs to include, at a minimum, at least all of those contained in the CCH  
11 Manual. The revised SWMPP shall also provide for the implementation of  
12 alternative erosion and sediment control BMPs where appropriate.

13 (4) HDOT shall undertake a program to evaluate the erosional  
14 potential of storm drain system outlets that discharge downslope of the roadbed.  
15 Where discharge points are observed to be creating erosional conditions, HDOT's  
16 program shall require installation of velocity dissipaters or other BMPs to reduce  
17 the risk of continued erosion at these locations.

18 i. Maintenance Facilities BMP Program. HDOT shall develop and  
19 implement a written set of maintenance BMPs for routine and emergency in-house  
20 activities. Activity-specific BMPs shall be organized as a manual and be created in a  
21 format that facilitates its use by field staff. It shall be distributed to all field staff and  
22 shall complement the overall goals of the BMPPP.

23 j. New Development and Significant Redevelopment BMP Program Plan.  
24 HDOT shall revise its SWMPP to add the following additional permanent post-  
25 construction BMPs to the current list in Section 3 of the New Development and  
26 Significant Redevelopment BMP Program Plan (Section VIII M of the December 2003  
27  
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1 SWMPP): infiltration basins, infiltration trenches, media filters, Continuous Deflective  
2 Separation (CDS) units, and similar technologies.

3 k. Illicit Connection / Illegal Discharge Elimination Program. HDOT shall  
4 revise its SWMPP as follows:

5 (1) HDOT shall develop procedures for identifying and responding to  
6 possibly illicit connections and illegal discharges. These procedures shall include,  
7 but not be limited to, specific time deadlines for responding to identified  
8 discharges. Such identification and response procedures shall be coordinated with  
9 the inspection procedures required under the revised Debris Removal Best  
10 Management Practices Program set forth in Paragraph 10.f, above.

11 (2) HDOT shall develop a program to conduct inspections of industrial  
12 and commercial holders of connection and discharge permits to its MS4. This  
13 industrial/commercial inspection program shall include scheduling inspections  
14 such that each industrial facility is inspected at least once every five years. Any  
15 industrial facility that does not have NPDES permit coverage under the Hawai'i  
16 NPDES permit program shall be reported to DOH no later than 30 days after the  
17 inspection date. Commercial dischargers are to be ranked according to relative  
18 risk of discharge of contaminated runoff to HDOT's MS4. The highly ranked  
19 commercial facilities shall be inspected at least once every 5 years. This  
20 industrial/commercial inspection program shall be updated as appropriate to  
21 reflect the outcomes of the investigations discussed in the preceding  
22 Subparagraph.

23 11. Highways Division Construction Activities on Other Islands. On a statewide  
24 basis HDOT shall implement all of the revised construction program activities requirements  
25 pursuant to Paragraphs 9.b, 10.g.(1), and 10.g.(2)(a), above, and all of the revised New  
26 Development and Significant Redevelopment project activities requirements pursuant to  
27

1 Paragraphs 9.f and 10.j, above, on all HDOT construction projects (including contract and in-  
2 house projects) that are subject to NPDES storm water permit requirements, except that  
3 references in Paragraph 10.g.(1) to the CCH "Rules for Soil Erosion Standards and Guidelines"  
4 (April 1999) shall be modified to require use and adoption of each county's comparable and  
5 applicable standards. The time deadlines contained in the referenced Paragraphs shall apply on  
6 the Other Islands under this Paragraph.

7 Airports Division

8 Airport Tenant Inspections and Enforcement

9 12. Within 90 days after entry of this Decree, HDOT shall submit to EPA and DOH a  
10 written program of procedures for airport tenant inspection and enforcement that shall be used at  
11 Honolulu International, Lihue, and Kahului airports, in accordance with the requirements of this  
12 Paragraph. HDOT shall implement the procedures upon their submission to and approval by  
13 EPA and DOH. HDOT shall make modifications as requested EPA and DOH, in accordance  
14 with the requirements of Section III (Approval Process). This tenant inspection and enforcement  
15 program shall provide, at a minimum, for the following:

16 a. HDOT shall develop procedures and schedules for inspections of all  
17 airport tenants, including all those located away from the airports proper (e.g., on Aolele  
18 and Ualena Streets in Honolulu). At each airport, HDOT shall rank each tenant for its  
19 relative potential either to contribute pollutants to storm water runoff or to have a non-  
20 storm water discharge either into the airport storm sewer system or otherwise into waters  
21 of the United States. Rankings shall be made on a low/medium/high threat basis.  
22 Tenants that have separate NPDES permit coverage shall always be ranked as high threat.  
23 At least once each calendar year, HDOT shall review its tenant lists and these rankings  
24 and update them as necessary. This updated list shall be submitted as part of HDOT's  
25 Annual Report.

26 b. HDOT shall inspect each tenant/facility in each ranking class as follows:  
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1 (1) High ranked tenants, other than those that have separate NPDES  
2 permit coverage, shall be inspected at least quarterly.

3 (2) High ranked tenants that have separate NPDES permit coverage  
4 shall be inspected at least annually. HDOT shall submit a copy of each report of  
5 these inspections to DOH within 30 days of the date of the inspection.

6 (3) Medium ranked tenants shall be inspected at least annually.

7 (4) Low ranked tenants shall be inspected at least biennially.

8 (5) HDOT shall inspect each of its airport maintenance baseyards at  
9 least quarterly. HDOT shall submit a copy of each report of these inspections to  
10 DOH within 30 days of the date of the inspection.

11 c. Procedures for inspection of airport tenants and maintenance yards shall  
12 require a written record of the inspection such as either a checklist or form. At a  
13 minimum, such checklist or form shall for each inspection identify: facility name,  
14 address, contact name, contact telephone number, and SIC code; inspection date;  
15 inspector name; BMPs evaluated; inspection findings; and recommended follow-up  
16 actions. Copies of all inspection reports shall be maintained for a minimum of 5 years  
17 and shall be made available to EPA or DOH upon request.

18 d. Procedures for enforcement against tenants with inadequate BMPs or non-  
19 storm water discharges shall include identification of a range of enforcement responses  
20 available to HDOT, clear guidelines for selection of an enforcement response appropriate  
21 to the tenant deficiency at issue, guidelines for escalating the initial enforcement response  
22 for multiple or repeated violations, and follow-up inspections to ensure the problems have  
23 been corrected.

24 e. HDOT shall develop procedures for training of HDOT and contract  
25 management staff charged with implementing or overseeing airport tenant inspection and  
26 enforcement activities.

1           13.    Resources. HDOT shall take all actions to ensure that it has adequate resources,  
2 including contracting resources, to comply with all requirements of both this Consent Decree and  
3 its NPDES permits. Such actions shall include, but not be limited to, accurately assessing  
4 resource needs, communicating these needs to the Director of HDOT, making timely budget  
5 requests of the legislature, and notifying the legislature of the terms and requirements of this  
6 Consent Decree and HDOT's NPDES permits. The human resources necessary to carry out the  
7 requirements of this Consent Decree and HDOT's NPDES permits may be comprised of either  
8 HDOT employees or contractors or both.

9           14.    Reporting. For the first year after entry of this Consent Decree, HDOT shall  
10 submit quarterly reports to EPA and DOH that shall include the following information for the  
11 past quarter. The first quarterly report shall be due 60 days after the end of the first complete  
12 quarter following entry of this Consent Decree. All other reports shall be submitted no later than  
13 45 days after the last day of each calendar quarter. After submittal of the fourth quarterly report  
14 referenced above HDOT shall, for the duration of this Decree, submit semiannual reports.  
15 Semiannual reports shall be due on August 31<sup>st</sup> and February 28<sup>th</sup> and shall cover the six month  
16 periods ending on June 30<sup>th</sup> and December 31<sup>st</sup>, respectively. HDOT may submit separate  
17 quarterly and semiannual reports for the Airports and Highways Divisions. All reports shall, at a  
18 minimum, include the following information:

19           a.    Oahu District MS4 Activities

20               (1)   Storm Water Contact Coordination Meetings

21                 The number, dates, and names of attendees of each monthly Storm  
22                 Water Contact Coordination meetings;

23               (2)   Debris Removal Program Activities

24                 (a)    Specific highway segments (with dates) inspected for  
25                 sweeping needs;

26                 (b)    Specific highway segments swept, frequency of sweeping,  
27                 and the total amount of debris removed;

28                 (c)    Specific (by Milepost or other identifier) storm drainage  
                  system catch basins, gutters and open ditches, trenches, and sewers  
                  inspected, by specific highway segment and date;

                  (d)    Specific (by Milepost or other identifier) storm drainage  
                  system catch basins, gutters and open ditches, trenches, and sewers  
                  cleaned, the date(s) of cleaning, and the nature and total amount of debris  
                  removed;

1 (e) Number and dates of debris removal program trainings,  
types of trainings, and attendees participating in each; and

2 (f) Activities undertaken toward development and utilization  
of the asset management system;

3 (3) Construction Program Activities

4 (a) Total number of contract projects in the planning or design  
stages and total number of projects for which permanent post-construction  
BMP review was completed;

5 (b) Total number of contract project contracts put out to bid,  
total number awarded, total number of contract project NPDES permit  
verifications and BMP plans reviewed, and total number of pre-  
construction BMP verification inspections;

6 (c) Total number of in-house project NPDES permit  
verifications and BMP plans reviewed and total number of pre-  
construction BMP verification inspections;

7 (d) Total number of active construction projects and the total  
number of storm water inspections, specifying project type (contract, in-  
house, permit); and

8 (e) Number and dates of construction program trainings, types  
of trainings, and attendees participating in each;

9 (4) Chemical Applications Program Activities

10 Number and dates of chemical applications program trainings, types of trainings,  
and attendees participating in each;

11 (5) Erosion Control Program Activities

12 (a) Number of erosional problem areas with a potential for  
significant water quality impact identified, the number stabilized  
(permanently or temporarily) or otherwise remediated, and a revised  
schedule for stabilizing or otherwise remediating the remaining areas; and

13 (b) Number and dates of erosion control program trainings,  
types of trainings, and attendees participating in each;

14 (6) Maintenance Facility Program Activities

15 (a) Dates and locations and a summary of findings of  
maintenance facility oversight inspections; and

16 (b) Number and dates of maintenance facility trainings, types  
of trainings, and attendees participating in each;

17 (7) New Development and Significant Redevelopment Program

18 Activities

19 (a) Number of project designs reviewed for appropriate  
inclusion of permanent post-construction BMPs; and

20 (b) Number and dates of New Development and Significant  
Redevelopment Program Activities trainings, types of trainings, and  
attendees participating in each;

21 (8) Illicit Connection / Illegal Discharge Elimination Program

22 Activities

23 (a) Total number of completed follow-up investigations of  
discharging industrial, commercial, and high-density residential parcels;

24 (b) Total number of inspections of industrial and commercial  
dischargers to HDOT's right-of-way; and

25 (c) Number and dates of IC/ID Program Activities trainings,  
types of trainings, and attendees participating in each;

26 b. Statewide Highway Construction Activities

1 (1) Total number of contract projects in the planning or design stages  
2 and total number of projects for which permanent post-construction BMP review  
was completed;

3 (2) Total number of contract project contracts put out to bid, total  
4 number awarded, total number of contract project NPDES permit verifications  
and BMP plans reviewed, and total number of pre-construction BMP verification  
inspections;

5 (3) Total number of in-house project NPDES permit verifications and  
6 BMP plans reviewed and total number of pre-construction BMP verification  
inspections;

7 (4) Total number of active construction projects and the total number  
of storm water inspections, specifying project type (contract and in-house); and

8 (5) Number and dates of construction program trainings, types of  
trainings, and attendees participating in each;

9 c. Airports Division

10 (1) A listing of each tenant, its relative pollutant risk ranking, date(s)  
on which it was inspected by HDOT, and types of enforcement response actions  
taken against any tenant, including dates and any required follow-up activities;  
and

11 (2) Number and dates of tenant inspection and enforcement program  
12 trainings, types of trainings, and attendees participating in each.

13 15. Responsibility for Acts of Contractors or Agents. HDOT shall be responsible for  
14 ensuring that work is performed in accordance with the requirements of this Decree, even if that  
15 work is performed by contractors, subcontractors, or agents. HDOT shall provide a copy of this  
16 Decree to all Managers, employees, contractors, subcontractors, and agents whose duties might  
17 reasonably include compliance with any provision of this Decree, as well as to any contractor  
18 specifically retained to perform work required under this Decree. Defendant shall condition any  
19 such contract upon performance of the work in conformity with the terms of this the Decree. In  
20 any action to enforce this Consent Decree, HDOT shall not raise as a defense the failure by any  
21 of its Managers, employees, agents, contractors, or subcontractors to take any actions necessary  
22 to comply with the provisions of this Decree.

23 **VI. CIVIL PENALTY**

24 16. Civil Penalty. Within 30 days after entry of this Consent Decree, HDOT shall pay  
25 a civil penalty of \$1,000,000.00, plus interest from the date the penalty is due. Interest shall be  
26 calculated in accordance with 28 U.S.C. § 1961. Interest shall continue to accrue until payment  
27 is made. The Civil Penalty payment shall be allocated with \$600,000, plus accrued interest, if

1 any, being paid to the United States and \$400,000, plus accrued interest, if any, being paid to  
2 DOH.

3 17. Method of Payment.

4 a. Payment shall be made by FedWire Electronic Funds Transfer (“EFT”) to  
5 the U.S. Department of Justice in accordance with instructions to be provided to HDOT,  
6 following lodging of the Consent Decree, by the Financial Litigation Unit of the U.S.  
7 Attorney’s Office for the District of Hawai`i. At the time of payment, HDOT shall  
8 simultaneously send written notice of payment and a copy of any transmittal  
9 documentation (which should reference DOJ case number 90-5-1-1-07488 and the civil  
10 action number of this case) to the United States in accordance with Section XIV  
11 (Notification).

12 b. Payment shall be made by cashier’s or certified check made payable to the  
13 State of Hawai`i. At the time of payment, Defendant shall simultaneously send written  
14 notice of payment and a copy of any transmittal documentation (which should reference  
15 the civil action number of this case) to the Parties in accordance with Section XIV  
16 (Notification).

17 **VII. SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

18 18. HDOT shall implement a Supplemental Environmental Project (“SEP”),  
19 consisting of an Audit and Environmental Management System (“EMS”)(“the EMS SEP”), to be  
20 performed in accordance with the provisions of Appendix E to this Consent Decree, which is  
21 attached hereto and incorporated into this Decree by reference. In implementing the SEP, HDOT  
22 shall spend not less than \$1,062,500 in Eligible SEP costs. Eligible SEP costs include the costs  
23 of planning and implementing the SEP, but do not include any costs associated with corrective  
24 actions needed for compliance actions identified under the EMS.

25 19. HDOT shall implement a SEP consisting of “Erosion and Sediment Control for  
26 Highways” Compliance Assistance Workshops for contractors of professional services and for  
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1 contractors of construction services on the islands of Hawai'i (in Hilo and Kona), Kauai, Maui,  
2 and Oahu (in Honolulu and Kapolei)("the Compliance Assistance Workshops SEP"). These  
3 Compliance Assistance Workshops shall be developed and implemented in accordance with the  
4 provisions of Appendix F to the Consent Decree which is attached hereto and incorporated into  
5 this Decree by reference. In implementing the SEP, HDOT shall spend not less than \$60,000 in  
6 Eligible SEP costs. Eligible SEP costs are limited to the costs to perform the tasks described in  
7 Appendix F, and do not include any costs associated with developing the workshop curriculum.

8 20. With regard to each SEP, HDOT certifies the truth and accuracy of each of the  
9 following:

10 a. that, as of the date of executing this Decree, HDOT is not required to  
11 perform or develop the SEP by any federal, state, or local law or regulation and is not  
12 required to perform or develop the SEP by agreement, grant, or as injunctive relief  
13 awarded in any other action in any forum;

14 b. that the SEP is not a project that HDOT was planning or intending to  
15 construct, perform, or implement other than in settlement of the claims resolved in this  
16 Decree;

17 c. that HDOT has not received, and is not negotiating to receive, credit for  
18 the SEP in any other enforcement action; and

19 d. that HDOT will not receive any reimbursement for any portion of the SEP  
20 from any other person.

21 21. EMS SEP Completion Report. Within 30 days after HDOT concludes that the  
22 EMS SEP has been fully implemented in accordance with the requirements of this Decree,  
23 HDOT shall submit to the Parties in accordance with Section XIV of this Consent Decree  
24 (Notification) a SEP Completion Report. The SEP Completion Report shall contain the  
25 following information:

26 a. A detailed description of the SEP as implemented;





- 1           b.     for each failure in developing a SWPCP for any location in accordance  
2 with applicable permits and guidance documents: \$800 per violation;
- 3           c.     for failure to install a BMP specified by the Site-Specific BMP Plan or  
4 permit: \$2,000 per day per violation;
- 5           d.     for each failure to properly install or maintain appropriate BMPs in  
6 accordance with applicable plans, permits, and guidance documents: \$1,500 per day per  
7 violation;
- 8           e.     for failure to conduct the inspections required by Paragraphs 9.a.(2),  
9 9.b.(5), 9.e.(1), 10.f, 10.g.(2), 10.k.(2), 11, and 12 above: \$1,000 for each of the first ten  
10 violations; \$2,500 for each of the next ten violations; and \$5,000 for each subsequent  
11 violation;
- 12          f.     for failure to provide reports required pursuant to Paragraphs 10.e and 14:  
13 \$500 per day for the first ten days of each violation; \$1,000 per day for the next ten days  
14 of each violation; and \$2,500 per day for each subsequent day of violation;
- 15          g.     for each failure to timely submit or re-submit plans for approval in  
16 accordance with Section III (Approval Process): \$500 for each day of violation;
- 17          h.     for each failure to conduct or document the training required by  
18 Paragraphs 9.b.(2), 9.c, 9.e, 10.c, 11, and 12.e above: \$1,000;
- 19          i.     for failure to pay the civil penalty or accrued interest: \$1,000 for each day  
20 that the payment is late;
- 21          j.     for failure to timely submit the documents required by the SEP pursuant to  
22 Section VII of this Decree and Appendix E: \$500 per day per violation;
- 23          k.     for failure to timely submit a draft workshop outline as described in  
24 Appendix F: \$500 per day;
- 25          l.     for each failure to offer a workshop: \$5,000; and
- 26  
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1 m. for each failure to timely submit the documents required by the SEP  
2 pursuant to Section VII of this Decree and Appendix F: \$500 per day per violation.

3 31. EMS SEP Compliance: If HDOT's total Eligible SEP Costs are less than  
4 \$1,062,500 in connection with the performance of the EMS SEP described in Appendix E to this  
5 Consent Decree, or if the SEP has not been satisfactorily completed, HDOT shall be liable for  
6 stipulated penalties as set forth below. If HDOT has halted or abandoned the completion of the  
7 SEP, such penalties shall accrue from the date of abandonment or the date set for completion of  
8 the SEP, whichever is earlier.

9 a. If the SEP has been satisfactorily completed but HDOT's total Eligible  
10 SEP Costs are less than \$1,062,500, HDOT shall pay stipulated penalties at the rate of  
11 100% for every one dollar that HDOT's total Eligible SEP Costs are less than  
12 \$1,062,500.

13 b. If the SEP has not been satisfactorily completed, HDOT shall pay  
14 stipulated penalties at the rate of 150% for every one dollar that HDOT's total Eligible  
15 SEP Costs are less than \$1,062,500. If the SEP has not been satisfactorily completed but  
16 HDOT's total Eligible SEP Costs for the SEP are equal to or exceed \$1,062,500, HDOT  
17 shall not be liable for any stipulated penalties for the SEP if HDOT has made good faith  
18 and timely efforts to complete the SEP and certifies with supporting documentation, no  
19 later than the date that HDOT is required to submit a SEP Completion Report, that it has  
20 spent at least \$1,062,500 in Eligible SEP Costs. If HDOT does not provide the  
21 certification and the documentation required by this Subparagraph, or if the  
22 documentation provided does not support HDOT's certification, HDOT shall be deemed  
23 to be in violation of this Consent Decree and shall pay stipulated penalties of \$25,000.

24 32. Compliance Assistance Workshops SEP Compliance: If HDOT's total Eligible  
25 SEP Costs are less than \$60,000 in connection with the performance of the Compliance  
26 Assistance Workshops SEP described in Appendix F to this Consent Decree, or if the SEP has  
27

1 not been satisfactorily completed, HDOT shall be liable for stipulated penalties as set forth  
2 below. If HDOT has halted or abandoned the completion of the SEP, such penalties shall accrue  
3 from the date of abandonment or the date set for completion of the SEP, whichever is earlier.

4 a. If the SEP has been satisfactorily completed but HDOT's total Eligible  
5 SEP Costs are less than \$60,000, HDOT shall pay stipulated penalties at the rate of 100%  
6 for every one dollar that HDOT's total Eligible SEP Costs are less than \$60,000.

7 b. If the SEP has not been satisfactorily completed, HDOT shall pay  
8 stipulated penalties at the rate of 150% for every one dollar that HDOT's total Eligible  
9 SEP Costs are less than \$60,000. If the SEP has not been satisfactorily completed but  
10 HDOT's total Eligible SEP Costs for the SEP are equal to or exceed \$60,000, HDOT  
11 shall not be liable for any stipulated penalties for the SEP if HDOT has made good faith  
12 and timely efforts to complete the SEP and certifies with supporting documentation, no  
13 later than the date that HDOT is required to submit a SEP Completion Report, that it has  
14 spent at least \$60,000 in Eligible SEP Costs. If HDOT does not provide the certification  
15 and the documentation required by this Subparagraph, or if the documentation provided  
16 does not support HDOT's certification, HDOT shall be deemed to be in violation of this  
17 Consent Decree and shall pay stipulated penalties of \$25,000.

18 33. Accrual of Stipulated Penalties. Stipulated Penalties under this Section shall  
19 begin to accrue on the day after performance is due or on the day a violation occurs, whichever is  
20 applicable, and shall continue to accrue until performance is satisfactorily completed or until the  
21 violation ceases. Stipulated Penalties shall accrue simultaneously for separate violations of this  
22 Consent Decree. Penalties shall accrue regardless of whether HDOT has been notified of a  
23 violation but need not be paid until a demand is made. HDOT shall pay any Stipulated Penalty  
24 within 30 days of receiving written demand therefor.

25 34. Demand. The United States or DOH, or both, may seek Stipulated Penalties  
26 under this Section. Where both sovereigns seek Stipulated Penalties for the same violation of  
27

1 this Consent Decree, HDOT shall pay 60% of total Stipulated Penalties to the United States and  
2 40% to DOH. Where only one sovereign demands Stipulated Penalties for a violation, it shall  
3 make that demand on its own behalf, and HDOT shall pay the full amount of the Stipulated  
4 Penalties due for the violation to that sovereign.

5 35. Waiver of Stipulated Penalties. The United States or DOH may, in the  
6 unreviewable exercise of its discretion, reduce or waive Stipulated Penalties otherwise due that  
7 sovereign under this Consent Decree. The determination by one sovereign not to seek Stipulated  
8 Penalties, or subsequently to waive or reduce the amount it seeks, shall not preclude the other  
9 sovereign from seeking Stipulated Penalties.

10 36. Payment. HDOT shall, as directed by the United States in its demand, pay  
11 Stipulated Penalties owing to the United States by EFT in accordance with Section VI (Civil  
12 Penalty), Paragraph 17.a, above, or by certified or cashier's check in the amount due, payable to  
13 the "U.S. Department of Justice," referencing DOJ No. 90-5-1-1-07488 and United States  
14 Attorney's Office file number [\*\_\_\_\_\_], and delivered to the office of the United States  
15 Attorney, District of Hawai'i, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard,  
16 Honolulu, Hawai'i 96850. Any payment of Stipulated Penalties shall be accompanied by a  
17 transmittal memorandum referencing DOJ No. 90-5-1-1-07488 and United States Attorney's  
18 Office file number [\*\_\_\_\_\_] and stating that payment of Stipulated Penalties is being  
19 made. HDOT shall pay any Stipulated Penalties owing to DOH according to the provisions of  
20 Section VI (Civil Penalty), Paragraph 17.b.

21 37. Interest. If HDOT fails to pay Stipulated Penalties according to the terms of this  
22 Consent Decree, HDOT shall be liable for interest on such penalties, as provided for in 28 U.S.C.  
23 § 1961, accruing as of the date payment became due.

24 38. No Effect on Obligation to Comply. The payment of Stipulated Penalties shall  
25 not alter in any way HDOT's obligation to comply with the requirements of this Decree.



1           41.    Definition of Force Majeure. A “Force Majeure” event is any event beyond the  
2 control of HDOT, its contractors, or any entity controlled by HDOT that delays the performance  
3 of any obligation under this Consent Decree despite HDOT’s best efforts to fulfill the obligation.  
4 “Best efforts” includes anticipating any potential Force Majeure event and addressing the effects  
5 of any such event (a) as it is occurring, and (b) after it has occurred, to prevent or minimize any  
6 resulting delay to the greatest extent possible. In no case shall any of the following circum-  
7 stances give rise to a claim of Force Majeure: unanticipated or increased costs or expenses  
8 associated with implementation of this Decree or changed financial circumstances; failure to  
9 apply for a required permit or approval, or to provide in a timely manner all information required  
10 to obtain a permit or approval, that is necessary to meet the requirements of this Decree; failure  
11 by HDOT to approve contracts; failure by HDOT to secure federal funding; or failure by HDOT  
12 to fill all staffing positions.

13           42.    Required Notification. HDOT shall notify EPA and DOH orally or by electronic  
14 or facsimile transmission as soon as possible, but not later than 72 hours after the time HDOT  
15 first knew of, or in the exercise of reasonable diligence under the circumstances should have  
16 known of, any event that might delay completion of any requirement of this Decree, whether or  
17 not the event is a Force Majeure event. HDOT shall make the oral notification to the United  
18 States required by this Paragraph by calling Kathi Moore, the Chief of the Clean Water  
19 Compliance Office; in the event that HDOT is unable to reach Kathi Moore, such notification  
20 may be effective if HDOT leaves a detailed message explaining that notice is being provided  
21 pursuant to this Paragraph. HDOT shall make oral notification to DOH by calling Denis Lau, the  
22 Chief of the Clean Water Branch. The United States and DOH may designate alternative  
23 representatives to receive oral notification at their discretion by sending HDOT a written  
24 designation in accordance with Section XIV (Notification). Within 7 days of providing oral  
25 notice, HDOT shall provide written notice by facsimile with hard copy to follow to EPA and  
26 DOH. The written notice HDOT submits pursuant to this Paragraph shall indicate whether  
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1 HDOT claims that the delay should be excused due to a Force Majeure event. The written notice  
2 shall describe in detail the basis for HDOT's contention that it has experienced, or may  
3 experience, a Force Majeure delay (if it intends to make such a claim); the anticipated length of  
4 the delay; the precise cause or causes of the delay; and the measures taken or to be taken to  
5 prevent or minimize the delay and the timetable by which those measures will be implemented.  
6 Failure to comply with the procedures of this Paragraph shall preclude HDOT from asserting any  
7 claim of Force Majeure.

8 43. Procedures for Extension. If the United States agrees that a Force Majeure event  
9 has occurred or will occur, the United States may agree to extend the time for HDOT to perform  
10 the affected requirements for the time necessary to complete those obligations. An extension of  
11 time to perform the obligations affected by a Force Majeure event shall not, by itself, extend the  
12 time to perform any other obligation. Where the United States agrees to an extension of time, the  
13 appropriate modification shall be made pursuant to Section XV of this Consent Decree  
14 (Modification).

15 44. Dispute Resolution. If the United States does not agree that a Force Majeure  
16 event has occurred, or does not agree to the extension of time sought by HDOT, the United  
17 States' position shall be binding, unless HDOT invokes Dispute Resolution under Section X of  
18 this Consent Decree. In any such dispute, HDOT bears the burden of proving, by a prepon-  
19 derance of the evidence, that each claimed Force Majeure event is a Force Majeure event; that  
20 HDOT gave the notice required by Paragraph 42, above; that the Force Majeure event caused any  
21 delay HDOT claims was attributable to that event; and that HDOT exercised best efforts to  
22 prevent or minimize any delay caused by the event.

23 **X. DISPUTE RESOLUTION**

24 45. Exclusive Remedy. Unless otherwise expressly provided for in this Decree, the  
25 dispute resolution procedures of this Section shall be the exclusive mechanism to resolve  
26 disputes between HDOT and the United States and DOH arising under this Decree. However,  
27

1 the procedures set forth in this Section shall not apply to actions by the United States or DOH to  
2 enforce obligations of HDOT that have not been disputed in accordance with this Section. The  
3 procedures set forth in this Section shall not apply to disputes between DOH and the United  
4 States.

5 46. Informal Dispute Resolution. Any dispute subject to dispute resolution under this  
6 Consent Decree shall first be the subject of informal negotiations. The dispute shall be  
7 considered to have arisen when HDOT sends the United States and DOH a written Notice of  
8 Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal  
9 negotiations shall not exceed 20 days from the date the dispute arises, unless that period is  
10 modified by written agreement of the United States, DOH, and HDOT. If the Parties cannot  
11 resolve a dispute by informal negotiations, then the position advanced by the United States (after  
12 consultation with DOH) shall be considered binding unless, within 30 days after the conclusion  
13 of the informal negotiation period, HDOT invokes formal dispute resolution procedures set forth  
14 in Paragraph 47, below.

15 47. Formal Dispute Resolution.

16 a. Within 30 days after the conclusion of the informal negotiation period,  
17 HDOT may invoke formal dispute resolution procedures by serving on the United States  
18 and DOH a written Statement of Position regarding the matter in dispute. The Statement  
19 of Position shall include, but may not be limited to, any factual data, analysis, or opinion  
20 supporting HDOT's position and any supporting documentation relied upon by HDOT.

21 b. The United States and DOH shall serve their Joint Statement of Position  
22 within 45 days of receipt of HDOT's Statement of Position. The Joint Statement of  
23 Position shall include, but may not be limited to, any factual data, analysis, or opinion  
24 supporting that position and any supporting documentation relied upon by the United  
25 States. The Joint Statement of Position shall be binding on HDOT, unless HDOT files a  
26 motion for judicial review of the dispute in accordance with Paragraph 48, below.



1 Stipulated Penalties with respect to the disputed matter shall continue to accrue from the first day  
2 of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in  
3 Paragraph 40, above. If HDOT does not prevail on the disputed issue, Stipulated Penalties shall  
4 be assessed and paid as provided in Section VIII (Stipulated Penalties).

5 **XI. INFORMATION COLLECTION AND RETENTION**

6 50. The United States, DOH, and their representatives, including attorneys,  
7 contractors, and consultants, shall have the right of entry into any facility covered by this Consent  
8 Decree, at all reasonable times, upon presentation of credentials, to:

- 9 a. monitor the progress of activities required under this Consent Decree;
- 10 b. verify any data or information submitted to the United States or DOH in  
11 accordance with the terms of this Consent Decree;
- 12 c. obtain samples and, upon request, splits of any samples taken by HDOT or  
13 its representatives, contractors, or consultants;
- 14 d. obtain documentary evidence, including photographs and similar data; and
- 15 e. assess HDOT's compliance with this Consent Decree.

16 51. Upon request, HDOT shall provide EPA and DOH, or their authorized  
17 representatives, splits of any samples taken by HDOT. Upon request, EPA and DOH shall  
18 provide HDOT splits of any samples taken by EPA or DOH.

19 52. Until five years after the termination of this Consent Decree, HDOT shall retain,  
20 and shall instruct its contractors and agents to preserve, all non-identical copies of all documents,  
21 records, or other information (including documents, records, or other information in electronic  
22 form) in its or its contractors' or agents' possession or control, or that come into its or its  
23 contractors' or agents' possession or control, and that relates in any manner to HDOT's perfor-  
24 mance of its obligations under this Consent Decree. This information-retention requirement shall  
25 apply regardless of any contrary institutional policies or procedures. At any time during this  
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1 information-retention period, the United States or DOH may request copies of any documents,  
2 records, or other information required to be maintained under this Paragraph.

3 53. At the conclusion of the information-retention period provided in the preceding  
4 Paragraph, HDOT shall notify the United States and DOH at least 90 days prior to the destruction  
5 of any documents, records, or other information subject to the requirements of the preceding  
6 Paragraph and, upon request by the United States or DOH, HDOT shall deliver any such  
7 documents, records, or other information to EPA or DOH. HDOT may assert that certain  
8 documents, records, or other information is privileged under the attorney-client privilege or any  
9 other privilege recognized by federal law. If HDOT asserts such a privilege, it shall provide the  
10 following: (a) the title of the document, record, or information; (b) the date of the document,  
11 record, or information; (c) the name and title of each author of the document, record, or  
12 information; (d) the name and title of each addressee and recipient; (e) a description of the  
13 subject of the document, record, or information; and (f) the privilege asserted by HDOT.  
14 However, no documents, records, or other information created or generated pursuant to the  
15 requirements of this Consent Decree shall be withheld on grounds of privilege.

16 54. HDOT may also assert that information required to be provided under this Section  
17 is protected as Confidential Business Information ("CBI") under 40 C.F.R. Part 2. As to any  
18 information that HDOT seeks to protect as CBI, HDOT shall follow the procedures set forth in  
19 40 C.F.R. Part 2.

20 55. This Consent Decree in no way limits or affects any right of entry and inspection,  
21 or any right to obtain information, held by the United States or DOH pursuant to applicable  
22 federal or State laws, regulations, or permits, nor does it limit or affect any duty or obligation of  
23 HDOT to maintain documents, records, or other information imposed by applicable federal or  
24 State laws, regulations, or permits.

25 **XII. EFFECT OF SETTLEMENT**



1           61.    Headings. Headings in this Decree are provided for convenience only and shall  
2 not affect the substance of any provision.

3           62.    Costs of Suit. The Parties shall bear their own costs of this action, including  
4 attorneys' fees, except that the United States and DOH shall be entitled to collect the costs  
5 (including attorneys' fees) incurred in any action necessary to collect any portion of the civil  
6 penalty or any Stipulated Penalties due but not paid by HDOT.

7 **XIV. NOTIFICATION**

8           63.    When written notification or communication is required by the terms of this  
9 Decree, such notification or communication shall be addressed to the following individuals at the  
10 addresses specified below (or to such other addresses as may be thereafter designated by written  
11 notice to the parties):

12 As to the United States:

13 Chief, Environmental Enforcement Section  
14 Environment & Natural Resources Division  
15 U.S. Department of Justice  
16 Box 7611, Ben Franklin Station  
17 Washington, D.C. 20044-7611  
18 Re: DOJ #90-5-1-1-07488

19 and

20 Kathi Moore (WTR -7)  
21 Chief, CWA Compliance Office  
22 U.S. EPA, Region 9  
23 75 Hawthorne St.  
24 San Francisco, CA 94105  
25 (415) 972-3505  
26 kathi.moore@epa.gov

27 As to EPA:

28 Kathi Moore (WTR -7)  
Chief, CWA Compliance Office  
U.S. EPA, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105  
(415) 972-3505  
kathi.moore@epa.gov

1 As to DOH:  
2 Denis Lau  
3 Chief, Clean Water Branch  
4 Hawai'i State Department of Health  
5 919 Ala Moana Blvd., Room 301  
6 Honolulu, Hawai'i 96814  
7 (808) 586-4309  
8 dlau@eha.health.state.hi.us

9 and

10 Kathleen S. Ho  
11 Deputy Attorney General  
12 Health and Human Services Division  
13 Department of the Attorney General  
14 State of Hawai'i  
15 465 South King Street, Room 200  
16 Honolulu, Hawai'i 96813  
17 (808) 587-3062  
18 kathleen.s.ho@hawaii.gov

19 As to HDOT:

20 Rodney K. Haraga  
21 Director, Department of Transportation  
22 869 Punchbowl Street  
23 Honolulu, Hawai'i 96813  
24 (808) 587-2150  
25 rodney.haraga@hawaii.gov

26 and

27 Jeffery S. Kato  
28 Deputy Attorney General  
Land and Transportation Division  
Department of the Attorney General  
State of Hawai'i  
465 South King Street, Room 300  
Honolulu, Hawai'i 96813  
(808) 587-2994  
jeffery.s.kato@hawaii.gov

64. Notifications to or communications with HDOT, DOH, EPA, or the United States shall be deemed submitted:

a. when required to be sent by mail, on the date they are postmarked and sent by certified mail, return receipt requested;



1 a. If the United States and DOH agree that the Decree may be terminated, the  
2 Parties shall submit, for the Court's approval, a joint stipulation terminating the Decree.

3 b. If the United States and DOH do not agree that the Decree may be  
4 terminated, HDOT may invoke Dispute Resolution under Section X of this Decree.  
5 However, HDOT shall not seek Dispute Resolution of any dispute regarding termination,  
6 under Paragraph 47 of Section X, until 60 days after service of its Request for  
7 Termination.

8 **XVI. INTEGRATION**

9 68. This Consent Decree and its Appendices constitute the final, complete, and  
10 exclusive agreement and understanding among the Parties with respect to the settlement  
11 embodied in the Decree and supersede all prior agreements and understandings, whether oral or  
12 written, concerning the settlement embodied herein. Other than the Appendices, which are  
13 attached to and incorporated in this Decree, and submittals that are subsequently submitted and  
14 approved pursuant to this Decree, no other document, nor any representation, inducement,  
15 agreement, understanding, or promise, constitutes any part of this Decree or the settlement it  
16 represents, nor shall it be used in construing the terms of this Decree.

17 **XVII. APPENDICES**

18 69. The following appendices are attached to and incorporated into this Consent  
19 Decree:

20 "Appendix A" is the Definition of High Priority Watersheds;

21 "Appendix B" is the Highway Segments and Sweeping Frequencies

22 "Appendix C" is the Drainage System Inspection and Cleaning Schedule

23 "Appendix D" is the High Priority Areas for Erosion Control Measures

24 "Appendix E" is the EMS SEP

25 "Appendix F" is the Compliance Assistance Workshops SEP

26 "Appendix G" is the list of DOT Facilities with CCH Manuals

1 **XVIII. ENTRY AND FINAL JUDGMENT**

2 70. Authority to Sign Decree. The undersigned representatives of HDOT certify that  
3 they are authorized to enter into and to execute this Decree and to legally bind HDOT to the  
4 terms and conditions of the Decree and that they meet the requirements for authorized signatory  
5 found in 40 C.F.R. § 122.22. The undersigned representatives of DOH and the United States  
6 each certifies that he or she is authorized to enter into and to execute this Decree and to legally  
7 bind the Party that he or she represents to the terms and conditions of the Decree.

8 71. Counterparts. This Consent Decree may be signed in counterparts, and its validity  
9 shall not be challenged on that basis.

10 72. Designation of Agent for Service. HDOT shall identify on the attached signature  
11 page the name and address of an agent who is authorized to accept service of process by mail on  
12 HDOT's behalf with respect to all matters arising under or relating to this Decree. HDOT agrees  
13 to accept service in that manner and to waive the formal service requirements of Fed. R. Civ. P. 4  
14 and 5 and any applicable local rules of this Court, including, but not limited to, service of  
15 summons.

16 73. Public Notice. This Consent Decree shall be lodged with the Court for a period of  
17 not less than 30 days for public notice and comment in accordance with 28 C.F.R. § 50.7. The  
18 United States reserves the right to withdraw or withhold its consent if the comments regarding  
19 the Consent Decree disclose facts or considerations indicating that the Consent Decree is  
20 inappropriate, improper, or inadequate. HDOT agrees not to oppose entry of this Consent Decree  
21 by the Court or to challenge any provision of the Decree, unless the United States has notified  
22 HDOT in writing that it no longer supports entry of the Decree.

23 74. Final Judgment. Upon approval and entry of this Consent Decree by the Court,  
24 this Consent Decree shall constitute a final judgment of the Court as to the United States, DOH,  
25 and HDOT. The Court finds that there is no just reason for delay and therefore enters this  
26 judgment as a final judgment under Fed. R. Civ. P. 54 and 58.



1 We hereby consent to entry of the foregoing Consent Decree, subject to the Notice and Comment  
2 Provisions of 28 C.F.R. § 50.7 and Paragraph 73 of this Decree:

3  
4 FOR THE UNITED STATES OF AMERICA

5  
6 Date: 9/27/05

  
KELLY A. JOHNSON  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

7  
8  
9  
10 Date: 9/27/05

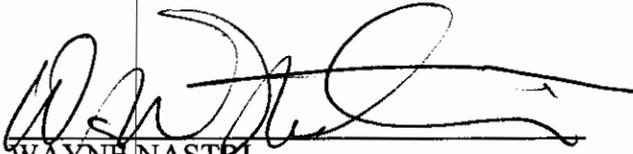
  
ANGELA O'CONNELL  
CYNTHIA HUBER  
Senior Attorneys  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 514-5273

1 We hereby consent to entry of the foregoing Consent Decree, subject to the Notice and Comment  
2 Provisions of 28 C.F.R. § 50.7 and Paragraph 73 of this Decree:

3  
4 Date: 28 SEP 05

  
\_\_\_\_\_  
GRANTA Y. NAKAYAMA  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Ariel Rios Building, 2241-A  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

5  
6  
7  
8  
9  
10 Date: 14 SEP 05

  
\_\_\_\_\_  
WAYNE NASTRI  
Regional Administrator  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, California 94105

11  
12  
13  
14 OF COUNSEL:

15 LAURIE KERMISH  
16 Assistant Regional Counsel  
17 U.S. EPA, Region 9  
18 75 Hawthorne Street  
19 San Francisco, California 94105  
20 (415) 972-3917  
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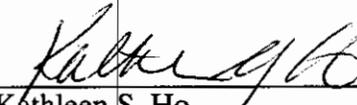
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FOR THE HAWAI'I DEPARTMENT OF  
HEALTH

Date: AUG 15 2005

  
\_\_\_\_\_  
Chiyome Leinaha Fukino, M.D.  
Director of Health  
State of Hawai'i  
1250 Punchbowl Street  
Honolulu, Hawai'i 96813

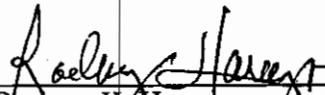
APPROVED AS TO FORM:

  
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Kathleen S. Ho  
Deputy Attorney General

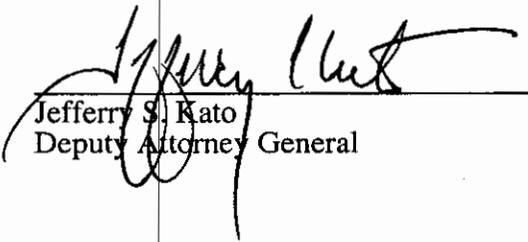
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FOR DEFENDANT, HAWAII DEPARTMENT  
OF TRANSPORTATION

Date: SEP - 1 2005

  
\_\_\_\_\_  
Rodney K. Haraga  
Director, Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawai'i 96813

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeffery S. Kato  
Deputy Attorney General

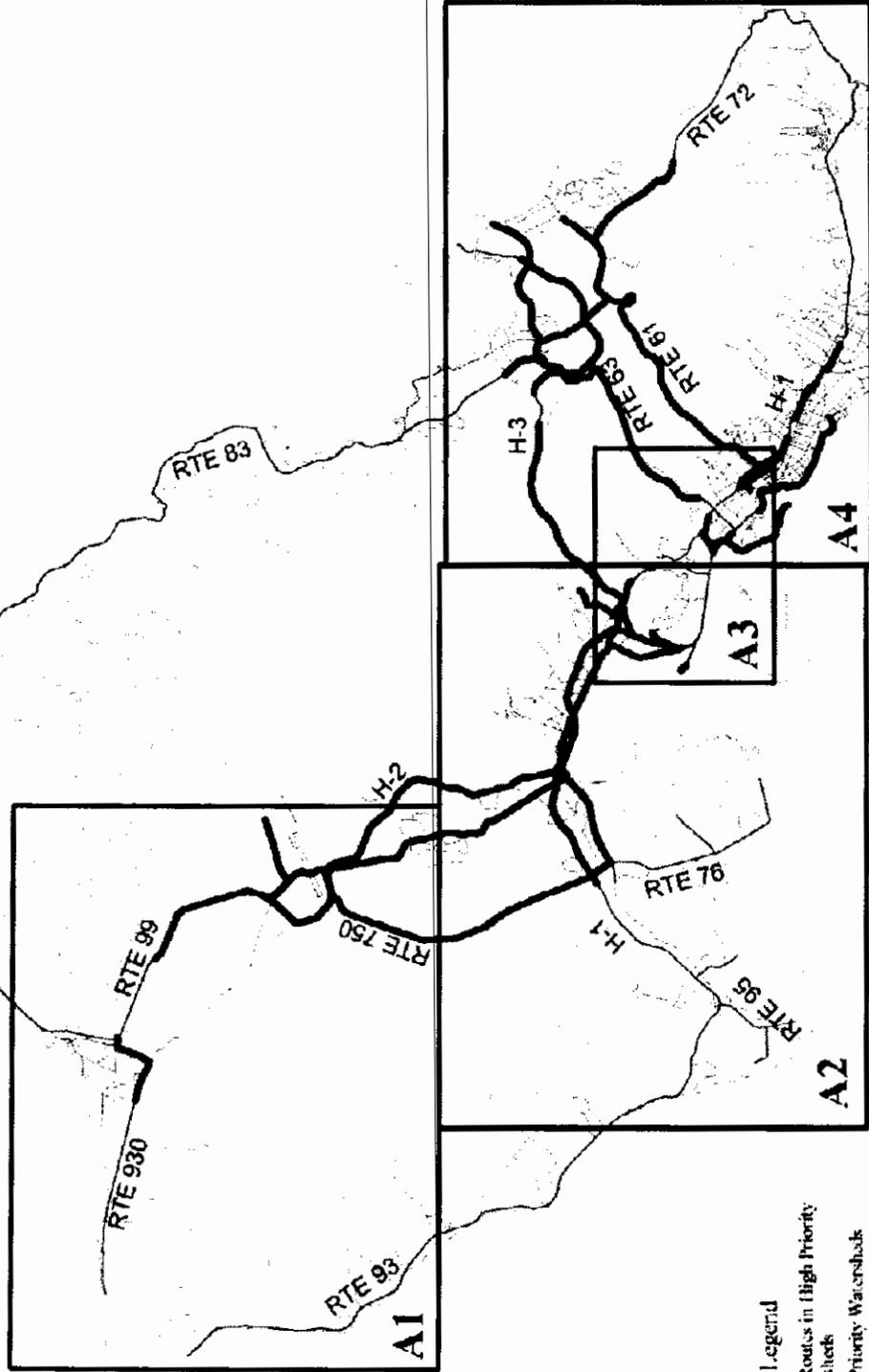
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						18.28 (0.2 mi after EB Off-Ramp to Dillingham Blvd.)	A3	19.36 (Gulick Ave. O/P)	A3
						20.80 (Liliha St. O/P)	A3	22.59 (Piikoi St. U/P)	A4
						23.18 (Punahou St. O/P)	A4	24.43 (EB Off-Ramp to King St.)	A4
						24.83 (Kapiolani I/C at Kapahulu Ave.)	A4	25.55 (10th Ave. U.P.)	A4
H-2	H-2 Fwy.	0.00 (Waiawa I/C)	A2	8.33 (Wilikina Dr.)	A1	0.00 (Waiawa I/C)	A2	8.33 (Wilikina Dr.)	A1
H-3	H-3 Fwy.	0.00 (Halawa I/C)	A3	15.32 (MCBH-Kaneohe)	A4	0.00 (Halawa I/C)	A3	6.47 (End H3 Tunnel, Kaneohe Bound)	A4
						7.47 (One Mile After H-3 Tunnel Exit, Kaneohe Bound)	A4	13.66 (0.25 mile After Kailua Separation)	A4
H-201	Moanalua Fwy.	0.00 (Rte. 78/ Halawa I/C)	A3	4.09 (Middle St. I/C)	A3	0.00 (Rte. 78/ Halawa I/C)	A3	1.50 (Ala Kapuna Rd. O/P)	A3
61	Pali Hwy., Kalaniana'ole Hwy., Kailua Rd.	0.00 (Vineyard Blvd.)	A3	10.60 (Kawainui Br.)	A4	0.00 (Vineyard Blvd.)	A3	10.60 (Kawainui Br.)	A4
63	Kalihi St., Likelike Hwy.	0.00 (Nimitz Hwy.)	A3	8.28 (Kahekili Hwy.)	A4	1.42 (Kalihi St. North of Kam. Shopping Center)	A3	8.28 (Kahekili Hwy.)	A4
64	Sand Island Pkwy. and Access Rd.	0.00 (S.I. Park)	A4	2.60 (Nimitz Hwy.)	A3	0.00 (S.I. Park)	A4	1.40 (Begin Bascule Bridge)	A3
						1.53 (End Bascule Bridge)	A3	2.60 (Nimitz Hwy.)	A3
65	Kaneohe Bay Dr., Mokapu Blvd.	0.00 (Kam. Hwy.)	A4	4.15 (Kalaheo Ave.)	A4	0.00 (Kam. Hwy.)	A4	4.15 (Kalaheo Ave.)	A4
72	Kalaniana'ole Hwy.	0.00 (Kailua Rd.)	A4	18.46 (Ainakoa Ave.)	A4	0.00 (Kailua Rd.)	A4	3.35 (Poalima St.)	A4
76	Ft. Weaver Rd., Kunia Rd.	0.00 (Iroquois Gate)	A2	6.64 (H-1)	A2	6.01 (Farr. Hwy.)	A2	6.64 (H-1)	A2

Route No.	Route Name	Overall							
		Start MP	Map	End MP	Map	Start MP	Map	End MP	Map
78	Moanalua Fwy.	0.00 Aiea I/C	A3	0.74 (Rte. H-201/ Halawa I/C)	A3	0.00 Aiea I/C	A3	0.74 (Rte. H-201/ Halawa I/C)	A3
80	Kamehameha Hwy.	0.00 (Wiilikina Dr.)	A1	1.88 (Kamananui Rd.)	A1	0.00 (Wiilikina Dr.)	A1	1.88 (Kamananui Rd.)	A1
83	Kamehameha Hwy., Kahekili Hwy., Likelike Hwy.	0.00 (Weed Circle)	A1	43.92 (Pali Hwy.)	A4	39.59 (Haiku Rd.)	A4	43.92 (Pali Hwy.)	A4
92	Nimitz Hwy., Ala Moana Blvd.	0.00 (Pearl Harbor Main Gate)	A3	9.26 (Kalakaua Ave.)	A4	0.00 (Pearl Harbor Main Gate)	A3	0.24 (On Ramp from O'Malley Blvd.- Hickam Main Gate)	
						3.52 (Middle St.)	A3	4.28 (Mokauea St.)	A3
						5.27 (Rd. to Chevron Oil)	A3	9.26 (Kalakaua Ave.)	A4
93	Farrington Hwy.	0.00 (Palalai I/C)	A2	19.53 (Kaena Pt.)	A1				
95	Kalaeloa Blvd., Malakole St.	0.00 (Palalai I/C)	A2	2.68 (Access Rd. Leading to Storage Yard)	A2				
98	Vineyard Blvd.	0.00 (Olomea St. @ H- 1 Offramp)	A3	1.76 (Ramp to H-1 EB)	A4	0.34 (Pua Lane)	A3	1.76 (Ramp to H-1 EB)	A4
99	Kamehameha Hwy., Kamananui Rd., Wiilikina Dr., Farrington Hwy.	0.00 (Weed Circle)	A1	23.83 (Pearl Harbor I/C)	A3	2.50 (2.50 Miles Mauka of Weed Circle)	A1	23.31 (Above H-1 Fwy. and EB Nimitz/Hickam Off- Ramp)	A3
750	Kunia Rd.	0.00 (H-1)	A2	8.05 (Wiilikina Dr.)	A1	0.00 (H-1)	A2	8.05 (Wiilikina Dr.)	A1
901	Ft. Barrette Rd.	0.00 (Barbers Pt. Rd.)	A2	1.38 (Makakilo O/P)	A2				
930	Farrington Hwy., Kaukonahua Rd.	0.00 (Kaena Pt.)	A1	7.92 (Weed Circle)	A1	5.52 (Puuiki St.)	A1	7.92 (Weed Circle)	A1
7012	Whitmore Ave.	0.00 (Kam. Hwy.)	A1	1.90 (Naval Comm. Sta.)	A1	0.00 (Kam. Hwy.)	A1	1.90 (Naval Comm. Sta.)	A1
7101	Farrington Hwy.	0.00 (Kunia Rd.)	A2	3.00 (Kam. Hwy. - Pearl City)	A2	0.00 (Kunia Rd.)	A2	3.00 (Kam. Hwy. - Pearl City)	A2
7110	Farrington Hwy.	0.00 (Kunia Rd.)	A2	0.62 (Old Ft. Weaver Rd.)	A2				
7141	Iroquois Rd.	0.00 (Ft. Weaver Rd.)	A2	1.51 (West Loch)	A2				
7239	Ulune St., Halawa Valley Rd.	0.00 (Kahuapaani St.)	A3	0.32 (Iwaiwa St.)	A3	0.00 (Kahuapaani St.)	A3	0.32 (Iwaiwa St.)	A3

Route No.	Route Name	Overall							
		Start MP	Map	End MP	Map	Start MP	Map	End MP	Map
7241	Kahuapaani St., Halawa Hts. Rd.	0.00 (Salt Lake Blvd.)	A3	2.32 (Camp Smith)	A2	0.00 (Salt Lake Blvd.)	A3	2.32 (Camp Smith)	A2
7310	Puuloa Rd.	0.00 (Kam./Nimitz Hwy.)	A3	1.03 (Moanalua Fwy.)	A3				
7345	Jarrette White Rd.	0.00 (Moanalua Fwy.)	A3	0.55 (Tripler Hospital)	A3				
7350	Bouganville Dr.	0.00 (Radford Dr.)	A3	0.59 (Salt Lake Blvd.)	A3	0.00 (Radford Dr.)	A3	0.59 (Salt Lake Blvd.)	A3
7351	Radford Dr.	0.00 (Kam. Hwy.)	A3	0.23 (Bouganville Dr.)	A3	0.00 (Kam Hwy.)	A3	0.23 (Bouganville Dr.)	A3
7401	Kamehameha Hwy.	0.00 (Middle St.)	A3	0.10 (100' East of Kalihi Stream Bridge)	A3	0.00 (Middle St.)	A3	0.10 (100' East of Kalihi Stream Bridge)	A3
7413	Liliha St.	0.00 (King St.)	A3	0.35 (H-1 Liliha St. O/P)	A3	0.00 (King St.)	A3	0.35 (H-1 Liliha St. O/P)	A3
7415	Middle St.	0.00 (Kaua St.)	A3	0.51 (Kam. Hwy.)	A3	0.00 (Kaua St.)	A3	0.51 (Kam. Hwy.)	A3
7601	Old Waialae Rd.	0.00 (Kapiolani Blvd.)	A4	0.41 (King St.)	A4				

Based on Oahu 303d High Priority Watersheds and DOT Highways and Conveyances, as prepared by DOH-EPO.

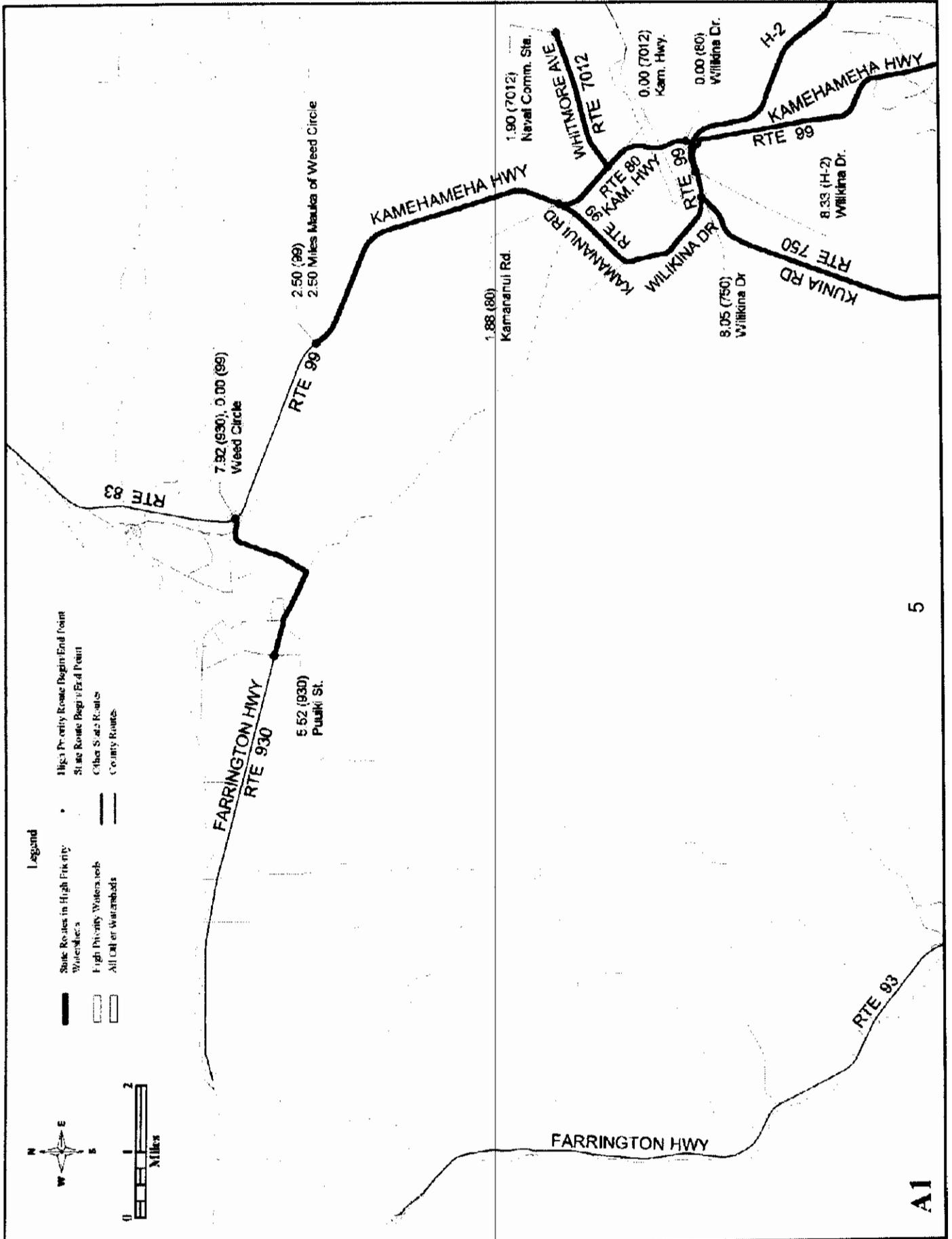
**Appendix A**  
**HDOH Highways Division**  
**Oahu District MS4**  
**State Routes and High Priority Watersheds**



- Legend**
- State Routes in High Priority Watersheds
  - High Priority Watersheds
  - All Other Watersheds
  - Other State Routes
  - County Routes

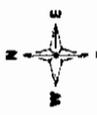
**Index Map**

Appendix A



Legend

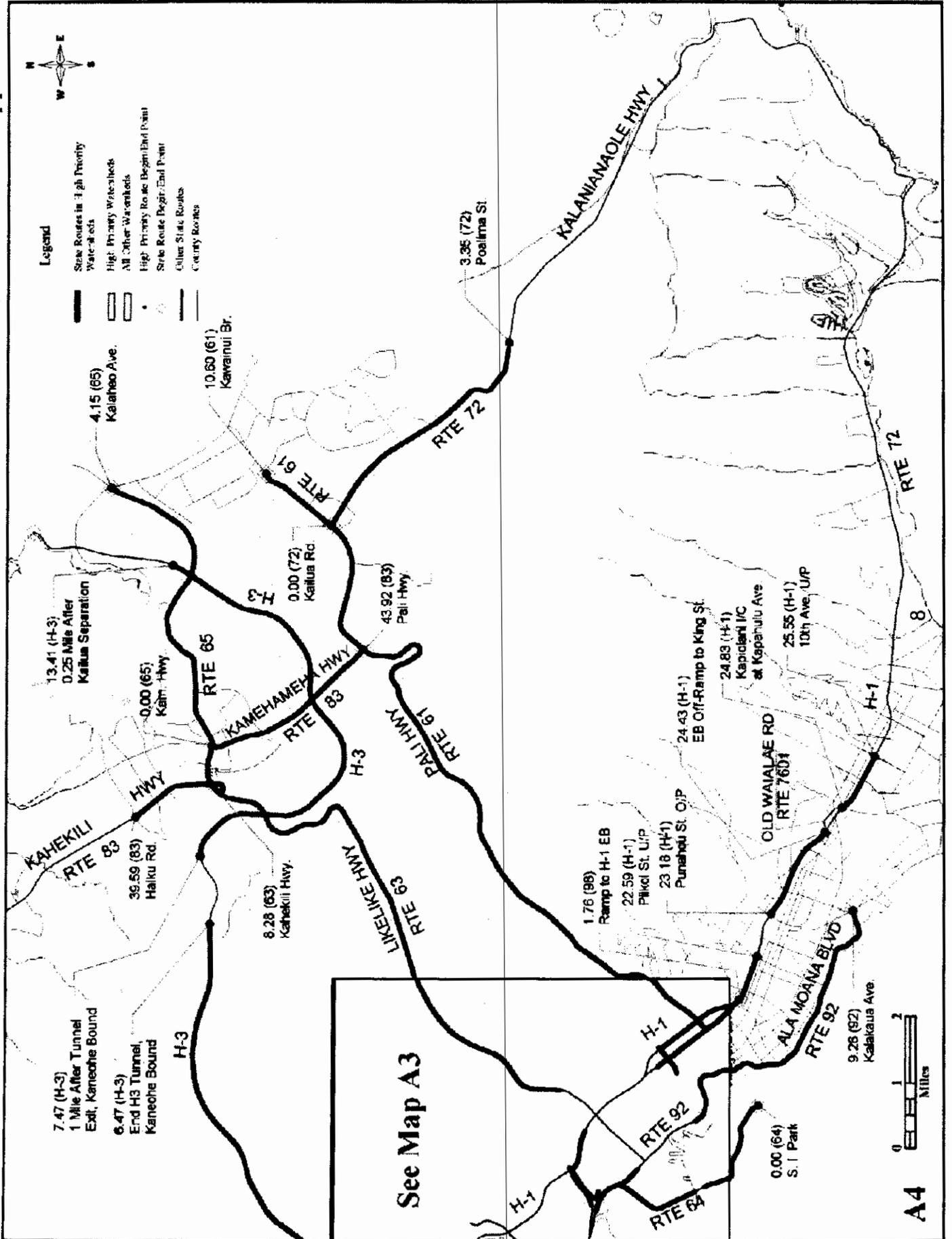
- State Routes in High Priority Watersheds
- High Priority Watersheds
- All Other Watersheds
- High Priority Route Begin/End Point
- State Route Begin/End Point
- Other State Routes
- County Routes







Appendix A



Appendix B  
Street Sweeping

08/22/05

Route No.	Route Name	Overall Segment Requiring Sweeping			High Priority Watersheds (To Be Swept Every 5 Weeks)			Start MP	Map	End MP	Map	Start MP	Map	End MP	Map	Start MP	Map	End MP	Map						
		Start MP	Map	End MP	Map	Start MP	Map													End MP	Map	Start MP	Map	End MP	Map
H-1	H-1 Fwy.	0.00 (Palalai I/C)	B2	27.16 (Ainako Ave.)	B4	5.11 (EB Off-Ramp to Ft. Weaver Rd., Kunia Rd.)	B2	15.22 (Kam. Hwy. O/P)	B3	0.00 (Palalai I/C)	B2	5.11 (EB Off-Ramp to Ft. Weaver Rd., Kunia Rd.)	B2	18.31 (0.2 mi after EB Off-Ramp to Dillingham Blvd.)	B3	15.22 (Kam. Hwy. O/P)	B3	20.80 (Liliha St. O/P)	B3	23.18 (Punahou St. O/P)	B4				
						18.31 (0.2 mi after EB Off-Ramp to Dillingham Blvd.)	B3	19.36 (Gulick Ave. O/P)	B3	19.36 (Gulick Ave. O/P)	B3	22.59 (Piikoi St. U/P)	B4	22.59 (Piikoi St. U/P)	B4	24.83 (Kapiolani I/C at Kapahulu Ave.)	B4	24.83 (Kapiolani I/C at Kapahulu Ave.)	B4	25.55 (10th Ave. U/P)	B4	27.16 (Ainako Ave.)	B4		
						20.80 (Liliha St. O/P)	B3	22.59 (Piikoi St. U/P)	B4	22.59 (Piikoi St. U/P)	B4	24.43 (Off-Ramp to King St.)	B4	24.43 (EB Off-Ramp to King St.)	B4	25.55 (10th Ave. U/P)	B4	25.55 (10th Ave. U/P)	B4	27.16 (Ainako Ave.)	B4				
						23.18 (Punahou St. O/P)	B4	24.43 (Off-Ramp to King St.)	B4	24.43 (Off-Ramp to King St.)	B4	25.55 (10th Ave. U/P)	B4	25.55 (10th Ave. U/P)	B4	27.16 (Ainako Ave.)	B4								
						24.83 (Kapiolani I/C at Kapahulu Ave.)	B4	25.55 (10th Ave. U/P)	B4	25.55 (10th Ave. U/P)	B4														
H-2	H-2 Fwy.	0.00 (Waialua I/C)	B2	8.33 (Wilikina Dr.)	B1	0.00 (Waialua I/C)	B2	8.33 (Wilikina Dr.)	B1	0.00 (Waialua I/C)	B2	8.33 (Wilikina Dr.)	B1												
H-3	H-3 Fwy.	0.00 (Halawa I/C)	B3	15.32 (MCBH-Kaneohe)	B4	0.00 (Halawa I/C)	B3	6.47 (End Kaneohe Bound H-3 Tunnel)	B4	0.00 (Halawa I/C)	B3	6.47 (End Kaneohe Bound H-3 Tunnel)	B4	7.47 (One Mile After H-3 Tunnel Exit, Kaneohe Bound)	B4	6.47 (End Kaneohe Bound H-3 Tunnel)	B4	7.47 (One Mile After H-3 Tunnel Exit, Kaneohe Bound)	B4						
H-201	Moanalua Fwy.	0.00 (Rte. 78/ Halawa I/C)	B3	4.09 (Middle St. I/C)	B3	0.00 (Rte. 78/ Halawa I/C)	B3	13.66 (0.25 mile After Kailua Separation)	B4	0.00 (Rte. 78/ Halawa I/C)	B3	13.66 (0.25 mile After Kailua Separation)	B4	13.66 (0.25 mile After Kailua Separation)	B4	1.50 (Ala Kapuna Rd. O/P)	B3	15.32 (MCBH-Kaneohe)	B4	4.09 (Middle St. I/C)	B3				
61	Pali Hwy., Kalaniana'ole Hwy., Kaliua Rd.	0.00 (Vineyard Blvd.)	B3	10.60 (Kawainui Br.)	B4	0.00 (Vineyard Blvd.)	B3	10.60 (Kawainui Br.)	B4	0.00 (Vineyard Blvd.)	B3	10.60 (Kawainui Br.)	B4												

Street Sweeping

Route No.	Route Name	Overall Segment Requiring Sweeping			High Priority Watersheds (To Be Swept Every 5 Weeks)					
		Start MP	End MP	Map	Start MP	End MP	Map	Start MP	End MP	Map
63	Kalihi St., Likelike Hwy.	0.00 (Nimitz Hwy.)	8.28 (Kahakili Hwy.)	B3	1.42 (Kalihi St. North of Kam. Shopping Ctr.)	8.28 (Kahakili Hwy.)	B3	0.00 (Nimitz Hwy.)	1.42 (Kalihi St. North of Kam. Shopping Ctr.)	B3
64	Sand Island Pkwy. and Access Rd.	0.00 (S.I. Park)	2.60 (Nimitz Hwy.)	B3	0.00 (S.I. Park)	1.40 (Begin Bascule Bridge)	B4	1.40 (Begin Bascule Bridge)	1.53 (End Bascule Bridge)	B3
65	Kaneohe Bay Dr., Mokuapu Blvd.	0.00 (Kam. Hwy.)	4.15 (Kalaheo Ave.)	B4	0.00 (Kam. Hwy.)	4.15 (Kalaheo Ave.)	B4			
72	Kalaniana'ole Hwy.	0.00 (Kaliua Rd.)	18.46 (Ainako Ave.)	B4	0.00 (Kaliua Rd.)	3.35 (Poalima St.)	B4	13.26 (Lunaliio Hm. Rd.)	18.46 (Ainako Ave.)	B4
76	Fl. Weaver Rd., Kunita Rd.	0.00 (Iroquois Gate)	6.64 (H-1)	B2	6.01 (Farr. Hwy.)	6.64 (H-1)	B2	0.00 (Iroquois Gate)	6.01 (Farr. Hwy.)	B2
78	Moanalua Fwy.	0.00 (Aiea I/C)	0.74 (Rte. H-201)	B3	0.00 (Aiea I/C)	0.74 (Rte. H-201/Halawa I/C)	B3			
80	Kamehameha Hwy.	0.00 (Wilikina Dr.)	1.88 (Kamananui Rd.)	B1	0.00 (Wilikina Dr.)	1.88 (Kamananui Rd.)	B1			
83	Kamehameha Hwy., Kahakili Hwy., Likelike Hwy.	0.00 (Weed Circle)	43.92 (Pali Hwy.)	B1	39.92 (Kahuhipa Rd.)	43.92 (Pali Hwy.)	B4	0.00 (Weed Circle)	39.92 (Kahuhipa St.)	B1
92	Nimitz Hwy., Ala Moana Blvd.	0.00 (Pearl Harbor Main Gate)	9.26 (Kalakaue Ave.)	B3	0.00 (Pearl Harbor Main Gate)	4.28 (Mokauae St.)	B3	0.24 (On-Ramp from O'Malley Blvd. - Hickam Main Gate)	3.52 (Middle St.)	B3
					5.27 (Rd. to Chevron Oil)	9.26 (Kalakaue Ave.)	B4	4.28 (Mokauae St.)	5.27 (Rd. to Chevron Oil)	B3

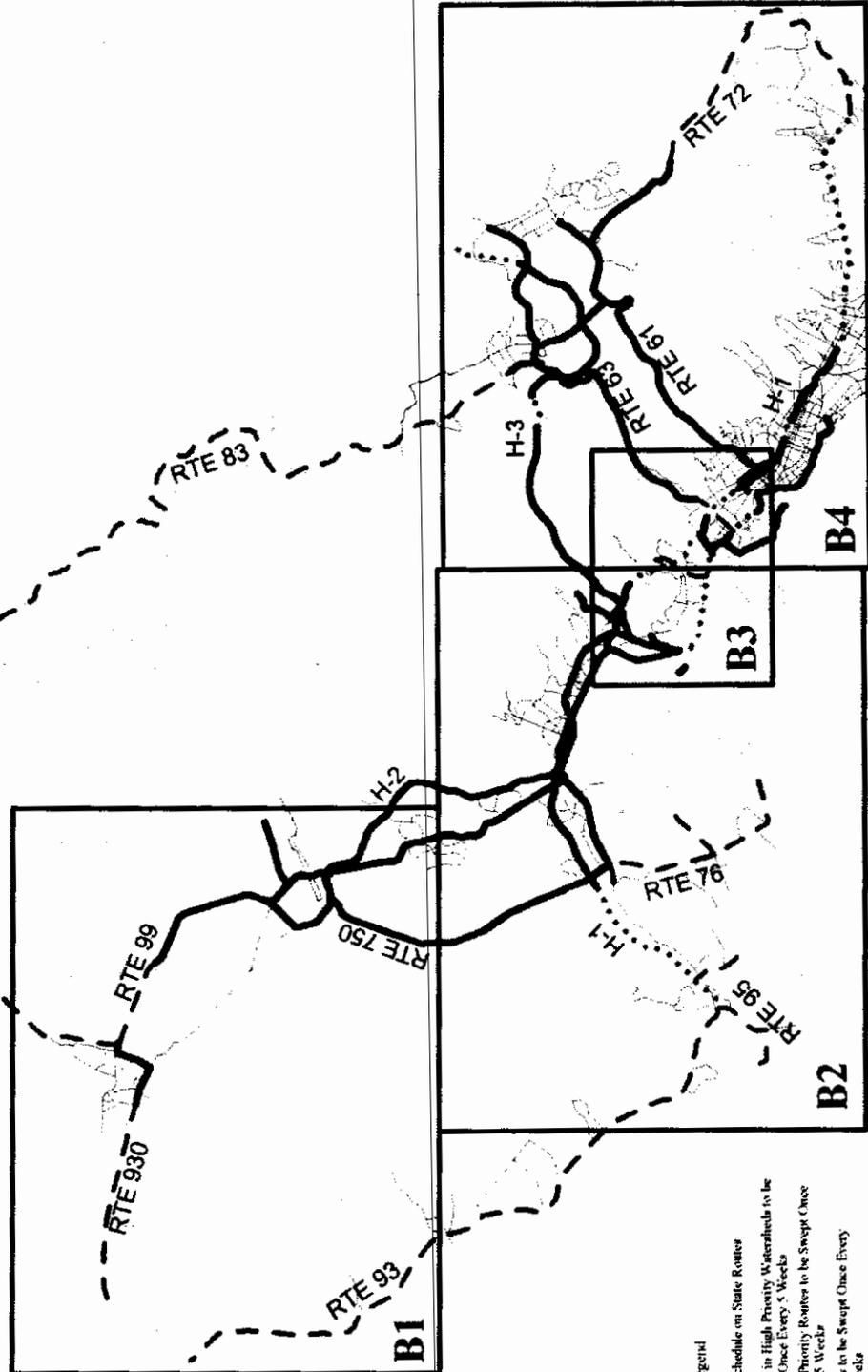
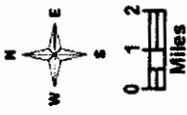
Street Sweeping

08/22/05

Route No.	Route Name	Overall Segment Requiring Sweeping				High Priority Watersheds (To Be Swept Every 5 Weeks)							
		Start MP	End MP	Map	Map	Start MP	End MP	Map	Map				
93	Farrington Hwy.	0.00 (Palalal I/C)	19.53 (Kaena Pt.)	B2	B1					0.00 (Palalal I/C)	19.53 (Kaena Pt.)	B2	B1
95	Kalaeloa Blvd., Malakole St.	0.00 (Palalal I/C)	2.68 (Access Rd. Leading to Storage Yard)	B2	B2					0.00 (Palalal I/C)	2.68 (Access Rd. Leading to Storage Yard)	B2	B2
98	Vineyard Blvd.	0.00 (Olomea St. @ H-1 EB Off-Ramp)	1.76 (Ramp to H-1 EB)	B3	B3	0.34 (Pua Lane)	1.76 (Ramp to H-1 EB)	B3	B4	0.00 (Olomea St. @ H-1 EB Off-Ramp)	0.34 (Pua Lane)	B3	B3
99	Kamehameha Hwy., Kamananui Rd., Wilikina Dr., Farrington Hwy.	0.00 (Weed Circle)	23.83 (Pearl Harbor I/C)	B1	B3	2.50 (2.5 Miles Mauka of Weed Circle)	23.31 (Above H-1 Fwy. and EB Nimitz/Hickam Off-Ramp)	B1	B3	0.00 (Weed Circle)	23.83 (Pearl Harbor I/C)	B3	B1
750	Kunia Rd.	0.00 (H-1)	8.05 (Wilikina Dr.)	B2	B1	0.00 (H-1)	8.05 (Wilikina Dr.)	B2	B1				
901	Ft. Barrette Rd.	0.00 (Barbers Pt. Rd.)	1.38 (Makakilo O/P)	B2	B2					0.00 (Barbers Pt. Rd.)	1.38 (Makakilo O/P)	B2	B2
930	Farrington Hwy., Kaukonahua Rd.	0.00 (Kaena Pt.)	7.92 (Weed Circle)	B1	B1	5.52 (Puuliki St.)	7.92 (Weed Circle)	B1	B1	0.00 (Kaena Pt.)	5.52 (Puuliki St.)	B1	B1
7012	Whitmore Ave.	0.00 (Kam. Hwy.)	1.90 (Naval Comm. Sta.)	B1	B1	0.00 (Kam. Hwy.)	1.90 (Naval Comm. Sta.)	B1	B1				
7101	Farrington Hwy.	0.00 (Kunia Rd.)	3.00 (Kam. Hwy. - Pearl City)	B2	B2	0.00 (Kunia Rd.)	3.00 (Kam. Hwy. - Pearl City)	B2	B2				
7110	Farrington Hwy.	0.00 (Kunia Rd.)	0.62 (Old Ft. Weaver Rd.)	B2	B2					0.00 (Kunia Rd.)	0.62 (Old Ft. Weaver Rd.)	B2	B2
7141	Iroquois Rd.	0.00 (FL Weaver Rd.)	1.51 (West Loch)	B2	B2					0.00 (FL Weaver Rd.)	1.51 (West Loch)	B2	B2
7239	Ulune St., Halawa Valley Rd.	0.00 (Kahuapaani St.)	0.32 (Iwaiwa St.)	B3	B3	0.00 (Kahuapaani St.)	0.32 (Iwaiwa St.)	B3	B3				
7241	Kahuapaani St., Halawa Hts. Rd.	0.00 (Salt Lake Blvd.)	2.32 (Camp Smith)	B3	B3	0.00 (Salt Lake Blvd.)	2.32 (Camp Smith)	B3	B2				



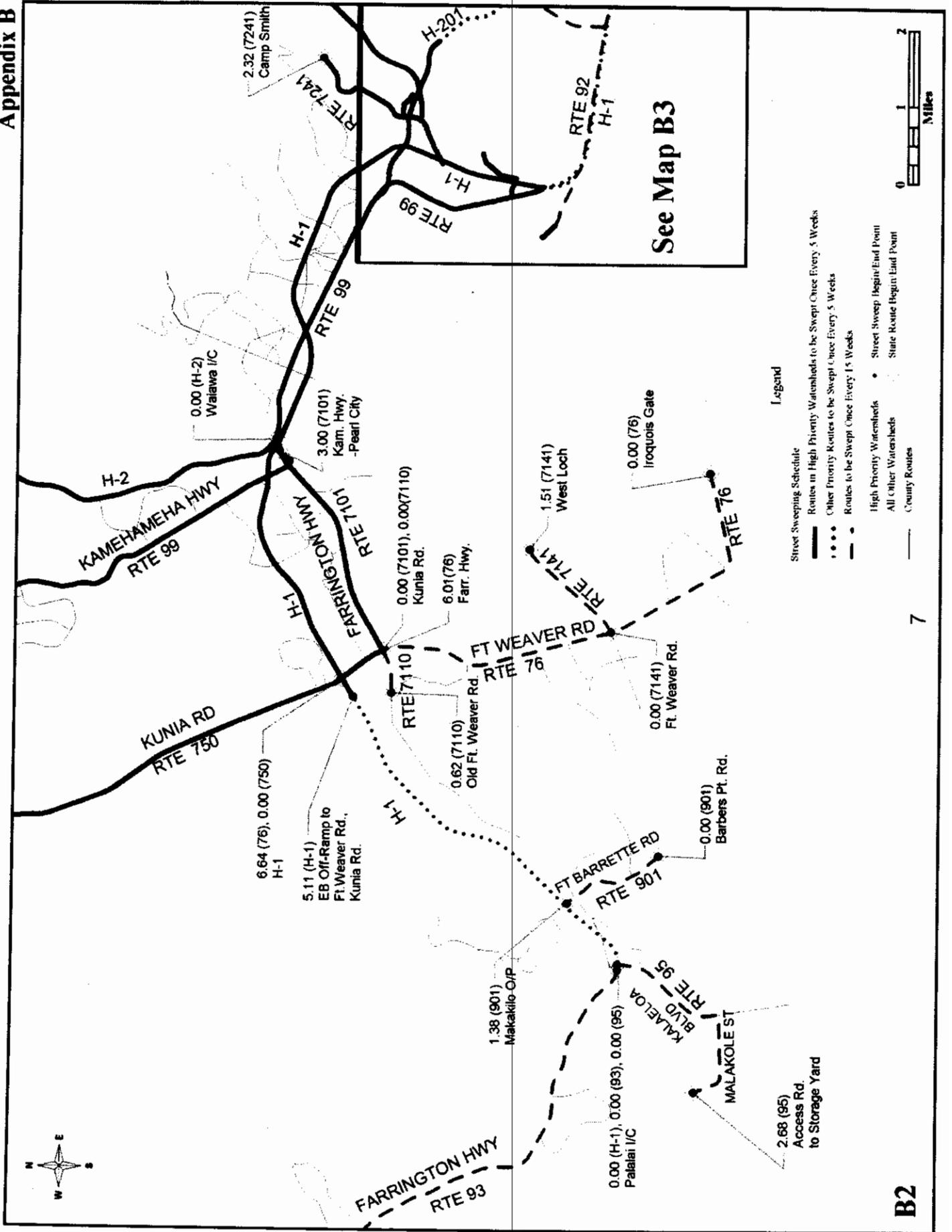
**Appendix B**  
**HDOT Highways Division**  
**Oahu District MS4**  
**Sweeping/Brooming of State Routes**



- Legend**
- Street Sweeping Schedule on State Routes
  - Routes in High Priority Watersheds to be Swept Once Every 5 Weeks
  - Other Priority Routes to be Swept Once Every 5 Weeks
  - Routes to be Swept Once Every 15 Weeks
  - High Priority Watersheds
  - All Other Watersheds
  - County Router

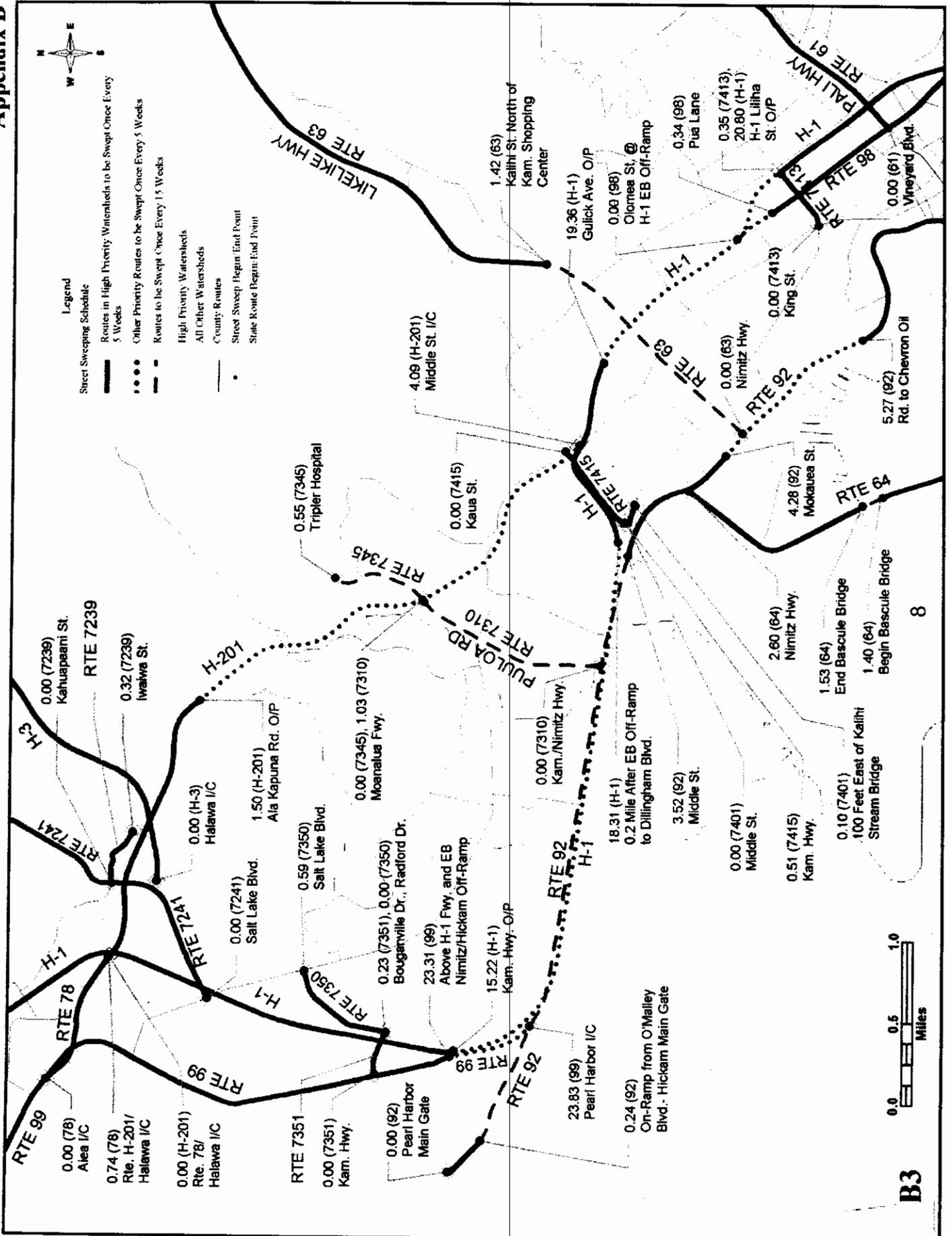


Appendix B



See Map B3

# Appendix B

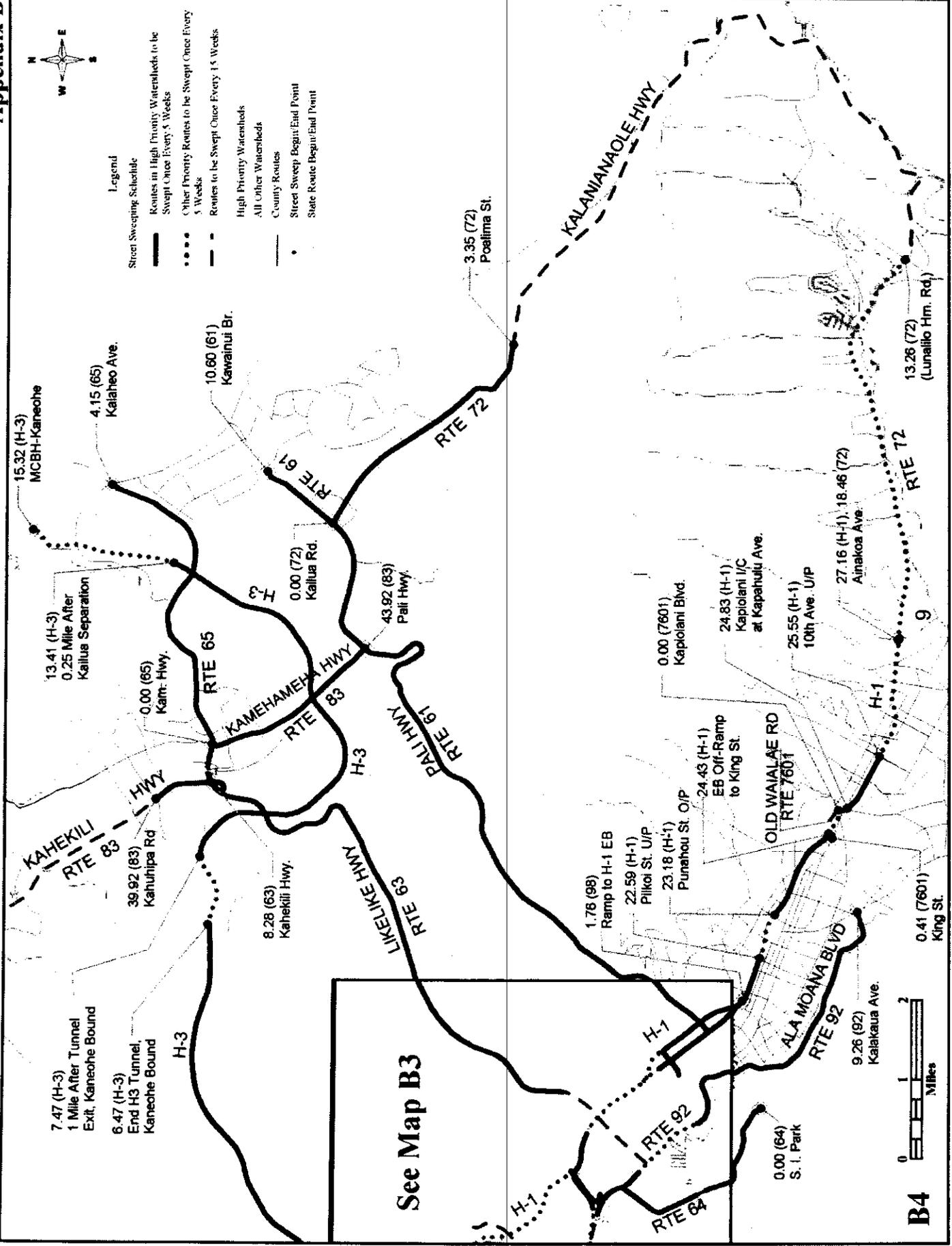


# Appendix B

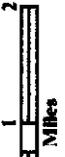


## Legend

- Street Sweeping Schedule**
- Routes in High Priority Watersheds to be Swept Once Every 5 Weeks
  - Other Priority Routes to be Swept Once Every 5 Weeks
  - Routes to be Swept Once Every 15 Weeks
- High Priority Watersheds**
- All Other Watersheds
- County Routes**
- Street Sweep Begin/End Point
  - State Route Begin/End Point



See Map B3



B4

## APPENDIX C

### DRAINAGE SYSTEM INSPECTION & CLEANING

1. This requirement becomes effective upon commencement of service contract, or 60 days post-entry, whichever comes first.
2. For drainage system structures (including, but not limited to, gutters, swales, open channels/ditches, culverts, drain inlets, catch basins, manholes, outfalls, and other accessible discharge points) located in High Priority Watersheds and within HDOT's rights-of-way:
  - a. Complete inventory of, and inspect for sediment, trash, litter, and other gross solids, within one (1) year of effective date.
  - b. Clean, in accordance with SWMPP DR3-1, within one (1) year of effective date.
  - c. Re-inspect, and clean as appropriate and in accordance with SWMPP DR3-1, at least semiannually thereafter.
3. For drainage system structures (including, but not limited to, gutters, swales, open channels/ditches, culverts, drain inlets, catch basins, manholes, outfalls, and other accessible discharge points) not located in High Priority Watersheds, or located within High Priority Watersheds but outside of HDOT's rights-of-way:
  - a. Complete inventory of, and inspect for sediment, trash, litter, and other gross solids, within two (2) years of effective date.
  - b. Clean, in accordance with SWMPP DR3-1, within two (2) years of effective date.
  - c. Re-inspect, and clean as appropriate and in accordance with SWMPP DR3-1, at least annually thereafter.
4. For the purposes of this Appendix the word "culverts" shall mean "accessible points including culvert manholes, entrances, and outfalls."

**APPENDIX D**

**AREAS FOR INSTALLATION OF TEMPORARY EROSION CONTROL MEASURES IN HIGH PRIORITY WATERSHEDS**

	<b>Route</b>	<b>Route No.</b>	<b>Direction of Travel</b>	<b>From Mile Post</b>	<b>To Mile Post</b>	<b>Length (feet)</b>	<b>Height (feet)</b>
1.	Interstate H-2	H-2	Wahiawa Bound	0.48	0.80	1690	30
2.	Interstate H-2	H-2	Wahiawa Bound	0.99	1.20	1109	30
3.	Interstate H-2	H-2	Honolulu Bound	1.02	1.21	1003	15
4.	Interstate H-2	H-2	Waianae Exit	0.51	1.71	1056	35
5.	Kamehameha Hwy.	99	Wahiawa Bound	11.28	11.50	1162	50
6.	Kamehameha Hwy.	99	Honolulu Bound	11.95	12.16	1109	50
7.	Kunia Rd.	750	Waipahu Bound	7.02	7.20	950	5 - 25
8.	Kunia Rd.	750	Waipahu Bound	6.54	6.79	1320	2 - 15
9.	Kunia Rd.	750	Wahiawa Bound	6.54	6.79	1320	2 - 15
10.	Kunia Rd.	750	Wahiawa Bound	6.96	7.14	950	5 - 25

## APPENDIX E

### COMPLIANCE-FOCUSED ENVIRONMENTAL MANAGEMENT SYSTEMS ("EMSs")

1. Purpose. The purpose of this supplemental environmental project ("SEP") is to develop and implement EMSs that conform to the standards identified below for the operations and facilities of the Airports, Harbors, and Highways Divisions of the HDOT including, at a minimum, those facilities specifically identified in Attachment 1.

2. Initial Auditor(s). No later than 60 days after entry of the Consent Decree to which this Appendix is attached ("Consent Decree"), HDOT shall provide to EPA and to DOH ("the Parties") in writing:

(a) the name, affiliation, and address of the Initial Auditor(s) selected by HDOT to conduct an Initial EMS Review and Evaluation;

(b) evidence that each Initial Auditor(s) satisfies the qualification requirements and proficiency criteria of ISO 14012 "Guidelines for environmental auditing - Qualification criteria for environmental auditors" (First Edition, 1996-10-01) and that the team conducting the Initial EMS Review and Evaluation, in composite, has a working knowledge of HDOT's operations and the facilities identified in Attachment 1, or similar operations, and of the federal and state environmental requirements which apply to HDOT's operations and these facilities;

(c) evidence that each Initial Auditor(s) has the necessary expertise to develop and implement the Compliance, Best Management Practices and Pollution Prevention ("P2") Checklists required below; and

(d) evidence that each Initial Auditor(s) has the necessary training experience to conduct the training sessions required below.

3. If EPA (after consultation with DOH) determines that the proposed Initial Auditor(s) does not meet the qualifications set forth in the previous Paragraph or that past or existing relationships with the Initial Auditor(s) could affect the Initial Auditor(s)' ability to exercise the independent judgment and discipline required to conduct the review, EPA may disapprove such Initial Auditor(s) and HDOT shall propose another Initial Auditor(s) for approval by EPA (after consultation with DOH) within 30 days of HDOT's receipt of EPA's determination. If, at any time, HDOT wishes to contract with a new Initial Auditor(s), HDOT shall notify the United States and DOH in writing and provide an explanation for the change and shall propose another Initial Auditor(s) to EPA for approval. Any subsequent Initial Auditor(s) must satisfy the qualification requirements of the preceding Paragraph.

4. HDOT shall not, in any way, through its own actions or through the actions of others, interfere with the ability of the Initial Auditor(s) to carry out his or her review of the elements and terms described in this Appendix in an independent fashion.

5. Initial EMS Review and Evaluation. Upon approval of the Initial Auditor(s), HDOT shall direct the Initial Auditor(s) to conduct and complete an Initial EMS Review and Evaluation (commonly referred to as a "gap" analysis) for HDOT's operations at the Harbors (including Honolulu Harbor), Airports (including Honolulu Airport), and Highways Divisions, including a representative sampling of the facilities identified in Attachment 1. The Initial EMS Review and Evaluation shall include an evaluation of the current compliance status, management practices, and pollution prevention ("P2") opportunities at the Divisions, as well as an assessment of any existing EMS, environmental practices, compliance, or P2 programs at the facilities. The Initial Auditor(s) shall review and evaluate any current EMS using the elements set forth in Paragraph 15 below, to identify where systems or subsystems have not been adequately developed or implemented.

6. The HDOT staff, especially the Operations staff, shall be actively involved in the Initial EMS Review and Evaluation. A primary purpose of this Initial EMS Review and Evaluation shall be to collect information for development of the Compliance, Best Management Practices, and Pollution Prevention Checklists and the training sessions required in Paragraphs 9 and 11 below.

7. Any violations of federal, state, or local environmental laws, regulations, or permits or of any other enforceable agreement requiring environmental compliance identified during the Initial EMS Review and Evaluation shall be disclosed and corrected in accordance with Paragraphs 15.F.5 and 36.

8. The Initial EMS Review and Evaluation shall be completed no later than 120 days after approval of the Initial Auditor(s). The results of the Initial EMS Review and Evaluation shall be documented in a report prepared by the Initial Auditor(s) and provided to HDOT, including all Deputy Directors and the Director. This report shall be made available to EPA and DOH upon request.

9. The Compliance, Best Management Practices and Pollution Prevention Checklists ("the Checklists"). No later than 120 days after approval of the Initial Auditor(s), the Initial Auditor(s) shall develop and submit to EPA for review and approval pursuant to Part III of the Consent Decree (Approval Process):

- (a) Compliance Checklist(s) of federal, state, local requirements, as described in Paragraph 15.D.2. The Compliance Checklist(s) shall also include the legal citation for any legal requirement, a calendaring system to identify when compliance obligations are due and forms to assist in the facility evaluations.

(b) Best Management Practices Checklist(s) which shall provide a schedule of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge, release, or emission of pollutants; and

(c) Pollution Prevention ("P2") Checklist(s) which shall provide opportunities for preventing, reducing, recycling, reusing, and minimizing waste and emissions, including procedures to encourage material substitutions.

10. Each of the above Checklists shall require ongoing updates and supplementation and shall be tailored to the different operations of HDOT's Harbors, Airports, and Highways Divisions. The Checklists are compliance assistance tools developed by HDOT for use by HDOT. The Checklists are not intended to create rights, substantive or procedural, enforceable by any party in litigation with any regulatory agencies, including, but not limited to, DOH or EPA. EPA and DOH do not vouch for the completeness of the Checklists. The Checklists do not operate in lieu of complying with any legal requirements.

11. Training Course. No later than 120 days after approval of the Initial Auditor(s), the Initial Auditor(s) shall develop and submit to EPA for review and approval pursuant to Part III of the Consent Decree (Approval Process) a detailed training course outline and schedule with all materials for the first two training sessions for each of HDOT's Divisions. The training course and materials shall address, at a minimum, the following:

(a) The training course shall be a multi-session course designed to allow HDOT personnel involved in the course to participate in a session and then return to their respective facilities to apply what has been learned in order to implement the EMSs as defined herein;

(b) The implementation of the Checklists at each facility shall be an integral part of the training and implementation of the EMS; and

(c) The training shall focus, in part, on *measuring environmental results*. As an integral part of the training sessions, HDOT shall develop baseline information for the different environmental aspects of operations, including water usage, wastewater (including stormwater runoff), chemical usage, and energy usage for its facilities. A baseline shall be developed for environmental compliance by implementing the compliance checklist at each facility at the beginning of the training. Goals shall be established for environmental improvement. The difference between the baseline and the information developed during the internal evaluation provides an indicator of the environmental improvement resulting from the EMS.

(d) One follow up training workshop may be conducted as part of the EMS SEP after the EMS Manual has been submitted in accordance with Paragraph 16 below.

12. No later than 30 days after approval of the detailed training course outline and the materials for the first two training sessions, the Initial Auditor(s) shall start training sessions for each of the Divisions. The training courses shall be completed no later than 180 days from the date of the initial training session.

13. Action Plan for EMS Development. No later than 120 days after approval of the Initial Auditor(s), the Initial Auditor(s) shall develop and submit to EPA for review and approval pursuant to Part III of the Consent Decree (Approval Process), an Action Plan describing in a comprehensive manner how the Initial Auditor(s) shall work with the Divisions and facilities to facilitate their development of EMSs for the operations at each of the Divisions and the facilities identified in Attachment 1. The comprehensive EMSs shall, at a minimum, address the 12 key elements set forth in Paragraph 15 below. The Action Plan shall also, at a minimum, include the development of an EMS Manual for each Division that complies with Paragraphs 9, 10, 11, 13, 14, and 35 of this Appendix. The Action Plan shall describe the process by which the Checklists and training course will be integrated to develop and implement the EMSs. As part of the HDOT's facilities' EMS, HDOT shall develop and implement procedures for oversight of the facilities of tenants, contractors, and other users of the ports, airports, and highways subject to the jurisdiction of HDOT. The Action Plan shall include a schedule for implementing the Action Plan and final development of the EMS Manual(s), as required by Paragraph 16, and the Evaluation Report, as required by Paragraph 17.

14. Action Plan's Emphasis on Harbors Division. The Action Plan shall require that the Compliance and Best Management Practices Checklists be implemented at the Harbors Division as a priority. As a mandatory condition for certifying that the SEP has been fully implemented in accordance with Paragraph 21 of the Consent Decree (SEP Completion Report), the Harbors Division shall:

- (a) apply the Compliance and Best Management Practices Checklists to the Honolulu Harbor, including tenants and other users;
- (b) certify that any compliance violations at the Harbors Division's facilities identified in Attachment 1 that have been discovered by the HDOT, Initial Auditor, or the Final Auditor during the initial review, development, implementation, and final audit of the EMS(s) shall have been corrected or are the subject of a compliance schedule as required by Paragraphs 15.F.5 and 36; and
- (c) as part of the HDOT's facilities' EMS, develop and implement procedures for oversight of the facilities of tenants and other users of the ports subject to the jurisdiction of HDOT.

15. The Elements of the EMS. Following the completion of the training course, HDOT shall complete the EMS Manuals. The EMS Manuals shall be organized to clearly address the following issues:

**A. Environmental Policy**

1. This policy, upon which the EMS is based, must clearly communicate management commitment to achieving compliance with applicable federal, state, and local environmental statutes, regulations, enforceable agreements, and permits (hereafter, "environmental requirements"), minimizing the risks to the environment from unplanned contaminant releases, and continual improvement in environmental performance. Further, the policy should address management's commitment to coordinate activities of HDOT to ensure that there is effective oversight to address the potential and actual environmental impacts resulting from the tenants, contractors, and other users of the ports, highways, and airports subject to the jurisdiction of HDOT. The policy should also state management's intent to seek adequate personnel and other resources for the EMS so that there is dedicated personnel identified to ensure the ongoing implementation of the EMS and that environmental responsibilities are not viewed as collateral duties to the staffs numerous other responsibilities. As evidence of management commitment, the Division Directors of the Harbors, Airports, and Highway Divisions shall personally review and certify as to the status of the EMSs for each of their respective facilities and the Division on a biannual basis. The certification shall be submitted to EPA. The Director of HDOT shall review the status of the EMS annually.

**B. Organization, Personnel, and Oversight of EMS**

1. Describes, organizationally, how the EMS is implemented and maintained.
2. Includes organization charts that identify units, line management, and other individuals having environmental performance, risk reduction, and regulatory compliance responsibilities.
3. Identifies and defines specific duties, roles, responsibilities, and authorities of key environmental program personnel in implementing and sustaining the EMS (e.g., could include position descriptions and performance standards for all environmental department personnel, and excerpts from others having specific environmental program and regulatory compliance responsibilities).
4. Includes ongoing means of communicating environmental issues and information to all organization personnel, on-site service providers, tenants, and contractors, and for receiving and addressing their concerns.

**C. Accountability and Responsibility**

1. Specifies accountability and environmental responsibilities of organization's managers, on-site service providers, tenants, and contractors for environmental protection practices, assuring compliance, required reporting to regulatory agencies, and corrective actions implemented in their area(s) of responsibility.
2. Describes incentive programs for managers and employees to perform in accordance with compliance policies, standards, and procedures.
3. Describes potential consequences for departure from specified operating procedures, including HDOT liability for civil/administrative penalties imposed as a result of noncompliance.

**D. Environmental Requirements**

1. Describes process for identifying, interpreting, and effectively communicating environmental requirements to affected organization personnel, on-site service providers, tenants, and contractors, and then ensuring that facility activities conform to those requirements (i.e., ongoing compliance monitoring). Specifies procedures for prospectively identifying and obtaining information about changes and proposed changes in environmental requirements, and incorporating those changes into the EMS.
2. Includes a compliance checklist of federal, state, local requirements and best industry practices. These requirements shall incorporate, but are not limited to, the terms in permits, orders, and enforceable agreements. The requirements addressed by the Compliance Checklist are based on the Clean Water Act, 33 U.S.C. §§ 1311–1346 (including compliance with the Storm Water and SPCC requirements of the Act); the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921–6939e; and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 11001–11023. This Compliance Checklist shall be updated periodically and used for routine compliance audits, as appropriate. All compliance violations identified by the Compliance Checklist, or otherwise in conjunction with the EMS, shall be corrected in accordance with the terms of Paragraphs 15.F.5 and 36.
3. Establishes and describes processes to ensure communication with regulatory agencies regarding environmental requirements and regulatory compliance.

**E. Assessment, Prevention, and Control**

1. Identifies an ongoing process for assessing operations, for the purposes of preventing and controlling or minimizing reasonably foreseeable releases or discharges, ensuring environmental protection, and maintaining compliance with

statutory and regulatory requirements. This section shall describe monitoring and measurements, as appropriate, to ensure sustained compliance. It shall also include identifying operations and waste streams where equipment malfunctions and deterioration, operator errors or deliberate malfeasance, and discharges or emissions may be causing, or may lead to: (a) releases of hazardous waste or other pollutants to the environment, (b) a threat to human health or the environment, or c) violations of environmental requirements.

2. Describes process for identifying operations and activities where documented standard operating practices ("SOPs") are needed to prevent potential violations or unplanned pollutant releases, and defines a uniform process for developing, approving, and implementing the SOPs.
3. Describes a system for conducting and documenting routine, objective, self-inspections by department supervisors and trained staff, especially at locations identified by the process described in Paragraph 15.E.1, to check for malfunctions, deterioration, worker adherence to SOPs, and unauthorized releases.
4. Describes process for ensuring input of environmental requirements (or concerns) in planning, design, and operation of ongoing, new, and/or changing buildings, processes, equipment, and maintenance activities.

**F. Environmental Incident and Noncompliance Investigations**

1. Describes standard procedures and requirements for internal and external reporting of potential violations and release or discharge incidents or other non-compliance.
2. Establishes procedures for investigation and prompt and appropriate correction of potential violations. The investigation process includes root-cause analysis of identified problems to aid in developing the corrective actions.
3. Describes a system for development, tracking, and effectiveness verification of corrective and preventative actions.
4. Each of these procedures shall specify self-testing of such procedures, where practicable.
5. Provide prompt notice of all violations to the regulatory agency and correct all compliance violations identified by the EMS for facilities identified in Attachment 1 within 21 days, unless a legal requirement requires more prompt correction. If it is determined that the violation cannot be corrected within 21 days, a compliance

schedule should be submitted to the HDOT EMS manager and to the applicable regulatory agency.

**G. Environmental Training, Awareness, and Competence**

1. Identifies other specific education and training required for organization personnel, as well as process for documenting training provided.
2. Describes program to ensure that organization employees are aware of its environmental policies and procedures, environmental requirements, and their roles and responsibilities within the environmental management system.
3. Describes program for ensuring that personnel responsible for meeting and maintaining compliance with environmental requirements are competent on the basis of appropriate education, training, and/or experience. In particular, training shall be conducted to address any compliance violations identified by the EMS.
4. Identifies training on how to recognize operations and waste streams where equipment malfunctions and deterioration, operator errors or deliberate malfeasance, and discharges or emissions may be causing, or may lead to: (a) releases of hazardous waste or other pollutants to the environment, (b) a threat to human health or the environment, or c) violations of environmental requirements.

**H. Environmental Planning and Organizational Decision-Making**

1. Describes how environmental planning will be integrated into organizational decision-making, including plans and decisions on capital improvements, product and process design, training programs, and maintenance activities.
2. Requires establishing written targets, objectives, and action plans by at least each operating organizational subunit with environmental responsibilities, as appropriate, including those for contractor operations conducted at the facility, and how specified actions will be tracked and progress reported. Targets and objectives must include actions which reduce the risk of noncompliance with environmental requirements and minimizing the potential for unplanned releases.

**I. Maintenance of Records and Documentation**

1. Identifies the types of records developed in support of the EMS (including audits and reviews), who maintains them and where, and protocols for responding to inquiries and requests for release of information.

2. Specifies the data management systems for any internal waste tracking, environmental data, and hazardous waste determinations.
3. Specifies document control procedures.

**J. Pollution Prevention/Best Management Practices Program**

1. Describes an internal program for preventing, reducing, recycling, reusing, and minimizing waste and emissions, including procedures to encourage material substitutions. HDOT shall evaluate P2 opportunities which shall include an identification of the opportunities, an evaluation of whether those opportunities are technically feasible, a calculation of the cost and a quantitative assessment of the pollution reduction. The Pollution Prevention and Best Management Practices Checklists will serve as a basis for this program.
2. To the extent that the training and development of the EMS Manual for a Division has been completed for the identified facilities and available funding from the SEP remains, the Division can select additional SEP projects arising out of the training, so long as such projects are consistent with the terms and conditions of the EPA Supplemental Environmental Projects Policy (May 1, 1998) and approved by EPA. If there are remaining funds available for a Division, another Division can apply to the HDOT EMS manager for use of the funds to conduct one of the approved SEP projects.

**K. Continuing Program Evaluation and Improvement**

1. Describes program for periodic (at least annually) evaluation of the EMS, including incorporating the results of the assessment into program improvements, revisions to the manual, and communicating findings and action plans to affected employees, on-site service providers, tenants, and contractors.
2. Describes a program for periodic audits (at least annually) of facility compliance with environmental requirements. Audit results are reported to upper management and potential violations are addressed through the process described in Paragraphs 15.F.5 and 36. In addition, an audit by an independent auditor will be conducted every four years.

**L. Public Involvement/Community Outreach**

1. Describes a program for ongoing community education and involvement in the environmental aspects of the organization's operations and general environmental awareness.

16. Submission of the EMS Manual. No later than 60 days after completion of the training course, HDOT shall submit to EPA complete EMS Manuals addressing the EMS provisions in Appendix E herein that relate to the facilities identified in Attachment 1 for review and approval in accordance with Part III (Approval Process) of the Consent Decree. A copy of the complete EMS Manuals shall be provided to DOH. Upon approval of the EMS Manual(s), HDOT shall immediately commence implementation of the EMS(s) in accordance with the schedule that shall be provided in the EMS Manual(s).

17. Evaluation Report. No later than 90 days after the EMS Manuals are approved, HDOT shall submit to EPA and to DOH an Evaluation Report describing the activities associated with the development of the EMS at the facilities identified in Attachment 1. The Evaluation Report shall include the following:

- (a) the implementation status of each of the twelve EMS elements identified in Paragraph 15;
- (b) baseline information for the different environmental aspects including water usage, wastewater (including stormwater runoff), hazardous waste, and energy usage;
- (c) a completed Compliance Checklist for each of the identified environmental requirements;
- (d) a corrective action schedule for any identified non-compliance; and
- (e) an identification of P2 opportunities, including an evaluation of whether those opportunities are technically feasible, a calculation of their cost and a quantitative assessment of the projected pollution reduction.

18. Final Auditor. HDOT shall provide for a third party (Final Auditor) to perform a Final Audit of the EMSs at each of HDOT's Divisions and facilities identified in Attachment 1. HDOT's contract with the Final Auditor shall require the Final Auditor to review and to evaluate the implementation of the systems, policies, and procedures described in the EMS Manuals, using the criteria set forth in Paragraphs 24 and 25 of this Appendix, as criteria for the evaluation. No later than 60 days after the EMS Manuals are approved HDOT shall provide to the EPA and DOH in writing:

- (a) the name, affiliation, qualifications and address of an independent auditor who was not involved in the Initial EMS Review and Evaluation ("the Final Auditor") selected by HDOT to perform an audit of HDOT's operations at each of its Divisions and the facilities identified in Attachment 1;

(b) evidence that the selected Final Auditor satisfies the independence and proficiency criteria contained in the ISO 14012 "Guidelines for environmental auditing - Qualification criteria for environmental auditors" (First edition, 1996-10-01).

(c) evidence that the Final Auditor has the necessary expertise to evaluate all the terms and conditions described in Paragraphs 9, 10, 11, 13, 14, 15, and 35, including expertise and competence in the regulatory programs under federal, state, and local environmental laws; and

(d) a schedule, including milestones, for conducting the review.

19. The Final Auditor must be capable of exercising the same independent judgment and discipline that a certified public accounting firm would be expected to exercise in auditing a publicly held corporation.

20. If EPA (after consultation with DOH) determines that the proposed Final Auditor does not meet the qualifications set forth in the previous Paragraph or that past or existing relationships with the Final Auditor could affect the Auditor's ability to exercise the independent judgment and discipline required to conduct the review, EPA may disapprove such Auditor and HDOT shall propose another Final Auditor for approval by EPA within 30 days of HDOT's receipt of EPA's determination. If, at any time, HDOT wishes to contract with a new Final Auditor because the approved Auditor is unable to fulfill the remaining tasks under the Final Audit of the EMSs, or for any other reason, HDOT shall notify EPA and DOH in writing and provide an explanation for the change and shall propose another Final Auditor to EPA for approval. Any subsequent Final Auditor must satisfy the qualification requirements outlined in Paragraphs 18 and 19 above.

21. HDOT shall not, in any way, through its own actions or through the actions of others, interfere with the ability of the Final Auditor to carry out his or her review of the elements and terms described in this Appendix in an independent fashion.

22. HDOT shall identify any and all site-specific training requirements for the Final Auditor and shall ensure that the requirements are met prior to conducting the audit.

23. The EMS Final Audit Plan. HDOT shall require the Final Auditor to prepare an EMS Final Audit Plan, for purposes of implementing the EMS Final Audit as described in Paragraphs 24 and 25 below, with an implementation schedule. The draft EMS Final Audit Plan shall be submitted no later than 45 days after the EPA's approval of the Final Auditor to EPA for review and approval pursuant to Part III of the Consent Decree (Approval Process). A copy of the draft EMS Final Audit Plan shall also be submitted to DOH.

24. HDOT shall require the Final Auditor to conduct an EMS Final Audit to evaluate the adequacy of EMS implementation, from top management down, throughout each

major organizational unit at the facilities, and to identify where further improvements should be made to the EMS. The Final Auditor shall include a comprehensive audit, with personal visit(s) by the Final Auditor, to determine conformance with the items identified in Paragraph 25 for all facilities identified in Attachment 1 located on Oahu. For all of the other facilities identified in Attachment 1, the HDOT EMS Manager shall have discretion as to: a) whether there will be personal visit(s) by the Final Auditor; and b) the extent of the evaluation needed to establish conformance with the elements identified in Paragraph 25 herein. For example, audits for these other facilities may be conducted by, at a minimum, reviewing the applicable portion of the EMS manual used by the facility and all records documenting EMS activities, in addition to conducting telephone interviews, as deemed appropriate. Notwithstanding the discretion related to the Final Audit, as described in this paragraph, HDOT shall implement an EMS, as developed in accordance with Appendix E, for all of the facilities identified in Attachment 1. The EMS Final Audit shall be conducted in accordance with ISO 14011 (First edition, 1996-10-01), using ISO 14010 (First edition, 1996-10-01) as supplemental guidance.

25. The Final Auditor shall assess conformance with the elements specified in Paragraphs 9, 10, 11, 13, 14, 15, and 35 and with the EMS Manuals, and shall determine the following for the Divisions and for each of the facilities:

- (a) Whether there is a defined system, subsystem, program, or planned task for the respective EMS element;
- (b) To what extent the system, subsystem, program, or task has been implemented and is being maintained;
- (c) Adequacy of each Facility's internal self-assessment procedures for programs and tasks composing the EMS;
- (d) Whether HDOT is effectively communicating environmental requirements to affected parts of the organization, contractors, tenants, users, and on-site service providers;
- (e) Whether further improvements should be made to the EMS;
- (f) Whether there are observed deviations from HDOT's written requirements or procedures;
- (g) Whether continuous improvement is occurring;
- (h) Any violations of federal, state, or local environmental laws, regulations, or permits, or of any other enforceable agreement requiring environmental compliance at the facilities. Any identified violation shall be disclosed and corrected in accordance with Paragraphs 15.F.5 and 36;

- (i) Whether the Checklists have been effectively implemented at the facilities;
- (j) Whether there is sufficient information to measure environmental results as described in Paragraph 11(c); and
- (k) The extent to which the EMS includes effective procedures for oversight of the facilities of tenants, contractors, and other users of the ports, airports, and highways subject to the jurisdiction of HDOT.

26. The EMS Final Audit shall not be initiated until at least 30 days after HDOT submits the Evaluation Report as described in Paragraph 17 above. The EMS Final Audit shall be completed no later than 90 days after HDOT submits the Evaluation Report.

27. Designated representatives from EPA, DOH, and other environmental regulatory agencies may participate in the Final EMS Audit as observers. HDOT shall make timely notification to designated regulatory contacts regarding audit scheduling in order to make arrangements for observers to be present. HDOT personnel may also participate in the on-site audits as an observer(s), but may not interfere with the independent judgement of the Final Auditor.

28. EMS Final Audit Report. HDOT shall direct the Final Auditor to independently prepare an EMS Final Audit Report and concurrently submit the report to HDOT, DOH and EPA within 60 days of completion of the EMS Final Audit. The EMS Final Audit Report shall present the Audit Findings and shall, at a minimum, contain the following information:

- (a) Audit scope, including the period of time covered by the audit;
- (b) The date(s) the on-site portion of the audit was conducted;
- (c) Identification of audit team members;
- (d) Identification of HDOT representatives and regulatory agency personnel observing the audit;
- (e) The distribution for the EMS Final Audit Report;
- (f) A summary of the audit process, including any obstacles encountered;
- (g) Detailed Audit Findings, including the basis for each Finding and each Area of Concern identified;

(h) Identification of any Audit Findings corrected or Areas of Concern addressed during the audit, and a description of the corrective measures and when they were implemented;

(i) Certification by the Final Auditor that the EMS Final Audit was conducted in accordance with the provisions of this Decree;

(j) An identification of any violations of federal, state, or local environmental laws, regulations, or permits, or of any other enforceable agreement requiring environmental compliance at the facilities and any root cause analysis describing the reason for the violations;

(k) The extent to which the Checklists have been effectively implemented at the facilities;

(l) The extent to which the facilities are able to measure environmental results as described in Paragraph 11(c) above; and

(m) How the EMS SEP has applied to contractors, tenants, and other users in accordance with Paragraph 35.

29. If the Final Auditor believes that additional time is needed to analyze available information or to gather additional information, HDOT may request that EPA grant the Final Auditor such additional time as needed to prepare and submit the EMS Final Audit Report. EPA's decision whether to grant additional time shall be final and unreviewable.

30. Corrective Action Plan. Upon receiving the EMS Final Audit Report, HDOT shall conduct a root cause analysis of the identified Audit Findings, as appropriate, and shall investigate all Areas of Concern. No later than 60 days after receiving the EMS Final Audit Report, HDOT shall submit to EPA for review and approval pursuant to Part III of the Consent Decree (Approval Process), a Corrective Action Plan for expeditiously bringing the facilities into full conformance with the EMS provisions in Paragraphs 9, 10, 11, 13, 14, 15, and 35, the EMS Manual(s), and fully addressing all Areas of Concern from the EMS Final Audit Report. A copy of the Corrective Action Plan shall be submitted to DOH. The Corrective Action Plan shall include the result of any root cause analysis, specific deliverables, responsibility assignments, and an implementation schedule.

31. Upon EPA approval of the Corrective Action Plan, in whole or in part, HDOT shall begin implementation of the Corrective Action Plan immediately in accordance with the implementation schedule set forth therein. HDOT shall submit status reports regarding implementation to EPA and to DOH on a quarterly basis, beginning no later than 30 days from EPA's approval of the Corrective Action Plan, in whole or in part, until all approved portions of the Corrective Action Plan have been completed.

32. SEP Completion Report and Corrective Action Plan Completion. Within 30 days after all items in the Corrective Action Plan have been completed, HDOT shall submit to EPA and to DOH:

(a) a SEP Completion Report in accordance with Paragraphs 21 through 23 of the Consent Decree. The SEP Completion Report is subject to Part X (Dispute Resolution) of the Consent Decree. Any disputes concerning the SEP Completion Report are the only disputes arising out of this Appendix that are related to the satisfactory performance of the EMS SEP; and

(b) a written Correction Action Plan Completion Certification to EPA signed by the Director of HDOT.

33. Funding of EMS SEP. HDOT's total expenditure for the EMS SEP shall not be less than \$1,062,500. No part of this expenditure shall include federal funds, including low interest federal loans, federal contracts, or federal grants. Each of the Divisions shall use its share of these dollars to implement an EMS at each of the identified facilities within its Division. SEP funds not spent within four years from the effective date of this Consent Decree shall revert to the U.S. Treasury, unless an extension is agreed to by HDOT and the United States.

34. Eligible SEP Expenses. The Initial Auditor(s)' costs associated with the Initial EMS Review and Evaluation, preparation of the training materials, time for instruction, follow up with facilities on EMS related activities, including, but not limited to, implementing the Checklists and one follow up training session, shall be eligible SEP expenses. Technical support for conducting the projects identified through Paragraph 15.J.2 above may be eligible SEP expenses. Finally, costs associated with the Final Auditor for preparing the EMS Final Audit Plan, conducting the EMS Final Audit, and preparing the EMS Final Audit Report and for technical assistance associated with implementing the Final Auditor's recommendations, not associated with correcting a compliance violation, shall be eligible SEP expenses. No costs associated with HDOT employees participating in training, implementing the EMS or other expenses associated with the EMS (including any costs associated with corrective actions needed for compliance actions identified under the EMS) shall be considered eligible SEP expenses. Also, any costs associated with the injunctive relief required by this Consent Decree shall not be eligible SEP expenses.

35. The Relationship of the EMS SEP to the Contractors, Tenants, and Users. The Checklists shall be used by HDOT personnel, in part, to evaluate the environmental performance of its contractors, tenants, and users. Contractors, tenants, and users of the Harbors, Airports, and Highways Divisions may be invited to attend the training sessions, but they will not be allowed to use SEP funds to discuss their EMS outside the training sessions with the Initial Auditor(s). HDOT shall require contractors to implement the EMS for all activities conducted on HDOT property, as part of future contractual requirements.

36. Violations Discovered in Connection with the Implementation of the EMSs. All violations of federal, state, or local environmental requirements at HDOT facilities identified in Attachment 1 discovered by HDOT, the Initial Auditor, or the Final Auditor during the initial review, development, implementation, and final audit of the EMS(s) shall:

(a) be disclosed to EPA and corrected in accordance with Paragraph 15.F.5 of this Appendix; and

(b) meet the “voluntary discovery” condition of the “Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations” (“the Audit Policy”), 65 Fed. Reg. 19618 (April 11, 2000).

37. Retention of Rights. Notwithstanding the activities associated with this SEP, the United States and DOH retain its enforcement rights to address any violations.

38. Confidential Business Information (“CBI”). HDOT may, if appropriate, assert that portions of the EMS Manual or reports or other submissions required by this Appendix contain CBI, pursuant to 40 C.F.R. Part 2, Subpart B. Documents or information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the documents or information when submitted to EPA, or if EPA has notified HDOT that the documents or information is not confidential under the standards of 40 C.F.R. Part 2, Subpart B, the public may be given access to such documents or information without further notice to HDOT.

ATTACHMENT 1  
DOT FACILITY LIST

I. Airports Division.

- a. Hawaii District, Hilo International Airport, DOT Maintenance Baseyard
- b. Hawaii District, Kona International Airport at Keahole, DOT Maintenance Baseyard
- c. Hawaii District, Waimea-Kohala Airport, DOT Maintenance Baseyard
- d. Kauai District, Lihue Airport, DOT Maintenance Baseyard
- e. Oahu District, Honolulu International Airport, DOT Maintenance Baseyard
- f. Oahu District, Dillingham Airfield, DOT Maintenance Baseyard
- g. Oahu District, Kalaeloa Airport, DOT Maintenance Baseyard
- h. Maui District, Kahului Airport, DOT Maintenance Baseyard
- i. Maui District, Kapalua Airport, DOT Maintenance Baseyard
- j. Maui District, Lanai Airport, DOT Maintenance Baseyard
- k. Maui District, Molokai Airport, DOT Maintenance Baseyard

II. Highways Division

- a. Hawaii District, Hilo Baseyard
- b. Hawaii District, Honokaa Baseyard
- c. Hawaii District, Waimea Baseyard
- d. Hawaii District, North Kona Baseyard
- e. Hawaii District, South Kona Baseyard
- f. Hawaii District, Kau Baseyard
- g. Kauai District, Lihue Baseyard
- h. Kauai District, Waimea Baseyard
- i. Oahu District, Kakoi Street Baseyard
- j. Oahu District, Keehi Baseyard
- k. Oahu District, Kaneohe Baseyard
- l. Oahu District, Haaula Baseyard
- m. Oahu District, Wahiawa Baseyard
- n. Oahu District, Waiane Baseyard
- o. Oahu District, Pearl City Baseyard
- p. Oahu District, H-3 Tunnel Maintenance Shop
- q. Maui District, Kahului Baseyard
- r. Maui District, Keanae Baseyard
- s. Maui District, Lanai Baseyard
- t. Maui District, Molokai Baseyard

III. Harbors Division

- a. Hawaii District, Hilo Harbor DOT Maintenance Facility
- b. Hawaii District, Kawaihae Harbor DOT Maintenance Shop

- c. Kauai District, Nawiliwili Harbor DOT Maintenance Facility
- d. Kauai District, Port Allen Harbor DOT Maintenance Shop
- e. Oahu District, Honolulu Harbor DOT Maintenance Facility
- f. Oahu District, Kalaeloa Barbers Point Harbor
- g. Maui District, Kahului Harbor DOT Maintenance Facility

**APPENDIX F**

**COMPLIANCE ASSISTANCE WORKSHOPS**

1. HDOT shall provide “Erosion and Sediment Control for Highways” Compliance Assistance Workshops for professional contractors and construction contractors at each of the following six (6) locations: Hilo, Hawaii; Kona, Hawaii; Kauai; Maui; Honolulu, Oahu; and Kapolei, Oahu.
2. HDOT shall provide the cost for one DOH representative to attend each workshop, including transportation to and from Oahu and accommodations as required.
3. HDOT shall provide separate courses for professional contractors and construction contractors. In addition, HDOT shall invite inspectors from each County to attend each workshop.
4. HDOT shall publicize the workshops by giving a minimum of thirty (30) days notice to the applicable organizations.
  - a. The notice shall include the date, time, location, and outline of the workshop.
  - b. The applicable organizations include, but are not limited to, the following organizations:
    - i. American Council of Engineering Companies of Hawaii (ACECH), American Society of Civil Engineers (ASCE) Hawaii Section, Hawaii Society of Professional Engineers (ASPE), Hawaii Water Environment Association (HWEA), and Institute of Transportation Engineers (ITE) for professional contractors.

ii. Building Industry Association of Hawaii (BIA-Hawaii) and General Contractors Association of Hawaii (GCA), and the Contractor's Associations on the islands of Maui, Kauai, and Hawaii for construction contractors.

5. Each course shall take one day (minimum of 6 hours of instruction).

6. Within thirty (30) days from the date of entry of the Consent Decree, HDOT shall submit draft course outlines to EPA and DOH for approval pursuant to Section III of this Consent Decree. The course outlines shall, at a minimum, accomplish the following:

a. These one day courses shall provide participants with a thorough understanding of the principles of erosion and sediment control and how they uniquely apply to highway projects. The regulatory requirements shall also be discussed. The emphasis of both courses shall be selecting, designing, implementing, and evaluating the effectiveness of Best Management Practices and Erosion and Sediment Control Plans.

b. The following topics shall be covered in the course:

- Erosion and Sediment Control Process
- Regulatory Requirements
- Overview and Development of erosion control plans
- Stabilization Methods
- Structural Erosion Control Methods
- Design Issues and Considerations
- Inspection and Monitoring Requirements

c. Upon completion of the course, the attendees should be able to:

- Understand the erosion and sediment control process and the factors which influence erosion and sedimentation.

- Comprehend the regulatory issues which relate to erosion control for highways.
- Follow the basic procedures for developing erosion control plans.
- Describe the stabilization methods used in highway applications.
- Describe the structural erosion control measures used in highway applications.
- Perform basic design calculations for erosion control measures.
- Understand inspection and monitoring requirements.

7. Within ninety (90) days from the date of entry of the Consent Decree, HDOT shall commence offering the first workshop. All twelve (12) workshops shall be completed by HDOT no later than fifteen (15) months from the date of entry of the Consent Decree.
8. HDOT shall document attendance at the workshops with sign-in or registration sheets. These sheets, along with copies of the notice described in Paragraph 4 and the list of associated recipients, shall be submitted in HDOT's End-of-Year Reports.

## APPENDIX G

### LIST OF CCH MANUAL LOCATIONS HIGHWAYS DIVISION

1. Construction & Maintenance Branch
  - a. Construction Section (4 Employees, 1 Manual)
  - b. Environmental Section (2 Employees, 1 Manual)
  - c. Maintenance Section (4 Employees, 1 Manual)
2. Planning Branch
  - a. Advance Planning Section (7 Employees, 1 Manual)
  - b. Highway Planning Survey Section (18 Employees, 2 Manuals)
  - c. System Planning Section (6 Employees, 1 Manual)
3. Materials Testing & Research Branch
  - a. Research & Technology Transfer Section (7 Employees, 1 Manual)
  - b. Geotechnical & Pavement Design Section (9 Employees, 1 Manual)
  - c. Bituminous Materials Section (9 Employees, 1 Manual)
  - d. Structural Material Section (8 Employees, 1 Manual)
4. Design Branch
  - a. Bridge Design Section (14 Employees, 1 Manual)
  - b. Highway Design Section (25 Employees, 2 Manuals)
  - c. Hydraulic Design Section (9 Employees, 3 Manuals)
5. Traffic Branch
  - a. Traffic Design Service Section (7 Employees, 1 Manual)
  - b. Traffic Operation Section (10 Employees, 1 Manual)
6. Oahu District
  - a. Field Offices
    - i. Halawa - Upper (14 Employees, 1 Manual)
    - ii. Halawa - Lower (13 Employees, 1 Manual)
    - iii. Kilihau (14 Employees, 1 Manual)
    - iv. Kaneohe (12 Employees, 1 Manual)
    - v. Pearl City (10 Employees, 1 Manual)
    - vi. Salt Lake (14 Employees, 1 Manual)
  - b. Maintenance Section
    - i. NPDES (4 Employees, 1 Manual)

- ii. Facility Engineering (5 Employees, 1 Manual)
  - iii. Field Engineering (7 Employees, 1 Manual)
  - iv. Equipment Service & Repair Unit (2 Employees, 1 Manual)
  - v. Highway Electrical Unit (13 Employees, 1 Manual)
  - vi. Highway Maintenance Unit (108 Employees, 7 Manuals)
  - c. Tunnel Section (40 Employees, 3 Manuals)
7. Hawaii District
- a. Design Section (7 Employees, 1 Manual)
  - b. Construction Section (19 Employees, 1 Manual)
  - c. Maintenance Section (17 Employees, 1 Manual)
8. Maui District
- a. Engineering Section (5 Employees, 1 Manual)
  - b. Construction Section (8 Employees, 1 Manual)
  - c. Survey Unit (4 Employees, 1 Manual)
  - d. Maintenance Section (11 Employees, 1 Manual)
9. Kauai District
- a. Construction/Maintenance Section (20 Employees, 2 Manuals)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, )  
DEPARTMENT OF HEALTH, STATE )  
OF HAWAII, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DEPARTMENT OF TRANSPORTATION, )  
STATE OF HAWAII )  
 )  
Defendant. )  
\_\_\_\_\_ )

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OCT 06 2005

at 8 o'clock and 20 min. M  
SUE BEITIA, CLERK

CV05 00636 HGKSC  
CIVIL ACTION NO.  
CERTIFICATE OF SERVICE

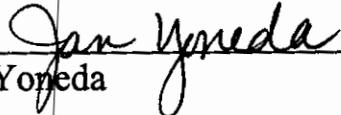
CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the following documents were mailed on October 6, 2005, to be served upon the persons listed on the attached service list in the manner indicated:

Complaint;  
Notice of Lodging of Consent Decree; and  
Consent Decree (for lodging purposes)

I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 6, 2005, at Honolulu, Hawaii.

  
\_\_\_\_\_  
Jan Yoneda

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Sent via U.S. Postal Service:

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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF HAWAII

\_\_\_\_\_  
 UNITED STATES OF AMERICA, )  
 DEPARTMENT OF HEALTH, STATE )  
 OF HAWAII, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 DEPARTMENT OF TRANSPORTATION, )  
 STATE OF HAWAII )  
 )  
 Defendant. )  
 \_\_\_\_\_

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

OCT 06 2005

at 8 o'clock and 36 min. a.m.  
 SUE BEITIA, CLERK

36  
 CIVIL ACTION NO. **KSC**  
 NOTICE OF LODGING

The United States of America (“United States”), by the authority of the Attorney General and through the undersigned attorney, and on behalf of the Administrator of the United States Environmental Protection Agency, hereby serves notice that the United States is lodging with the Court a Complaint and a Consent Decree that resolves all claims raised in the Complaint.

Under the terms of the Consent Decree and pursuant to 28 C.F.R. 50.7, the United States is allowing the public a 30-day period to comment on the Consent Decree. Accordingly, the United States respectfully requests that the Consent Decree not be entered prior to the expiration of the public comment period.

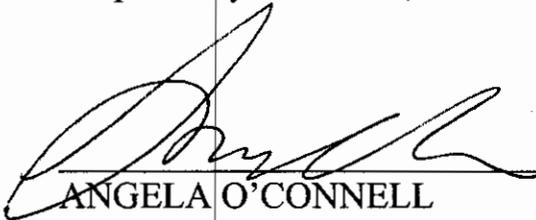
At the expiration of that period and after the United States has reviewed any public comments that are received, the United States will either request that the Court enter the Consent Decree, or advise the Court that public comments have been received that warrants the United States’ withdrawal from the Consent Decree.

United States et al. v. Department of Transportation, State of Hawaii - Notice of Lodging

Respectfully submitted,

9/29/05

Date:

  
ANGELA O'CONNELL

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OF COUNSEL:  
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# ***Attachment III***

## ***Memorandum of Understanding***

MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF TRANSPORTATION  
STATE OF HAWAII

AND

DEPARTMENT OF HEALTH  
STATE OF HAWAII

I. PURPOSE

This Memorandum of Understanding (MOU) is to help the Department of Transportation (DOT), Airports Division, comply with its National Pollutant Discharge Elimination System (NPDES) Permits (permits):

- NPDES SW, Permit No. HI 0021440, Honolulu International Airport
- NGPC SW, Permit No. HI R80A413, Molokai Airport
- NGPC SW, Permit No. HI R80A414, Kahului Airport
- NGPC SW, Permit No. HI R80A416, Lihue Airport
- NGPC SW, Permit No. HI R80A415, Dillingham Airfield

in particular to control illicit discharges into the DOT Airports Division's municipal storm sewer system (drainage system) covered by the permits.

II. BACKGROUND

The permits issued by the Department of Health (DOH), and 40 C.F.R. § 122.26(d)(2)(i) require DOT to prohibit certain discharges into its storm sewer system to ensure that certain discharges do not cause violations of the permits or state water quality standards, as covered by permit Part A, Discharge Limitations. These discharges are "illicit discharges" for the purposes of this memorandum.

DOT does not have its own statutes or rules to prohibit such illicit discharges.

### III. OBJECTIVES

- A. DOT and DOH want DOT to comply with its permits.
- B. DOT and DOH want effective interagency cooperation.
- C. DOH and DOT want DOT to be able to use the water pollution control enforcement authority in Chapter 342D, Hawaii Revised Statutes ("HRS"), administered by DOH. HRS, Section 342D-2, authorizes the director of health to delegate certain powers and authority. DOT will be authorized to prosecute administratively against illicit discharges to its storm sewer system, and DOH will reserve to itself the adjudicatory functions in those administrative cases.

### IV. DELEGATION OF ENFORCEMENT AUTHORITY

- A. Under HRS, Section 342D-2, the director of health delegates the authority to enforce HRS, Section 342D-50, against illicit discharges to the DOT storm sewer system covered by NPDES Permits, including the following specific powers:
  - 1. Inspection of premises and records under HRS, Section 342D-8;
  - 2. The issuance of informal and formal administrative notices of violations and orders, including the imposition of penalties, under HRS, Section 342D-9(a), (b), (c);
  - 3. The collection by civil action of any unpaid penalties under HRS, Section 342D-9(f);
  - 4. The handling of public records received, created, or maintained by DOT, and requests for those records, under HRS, Section 342D-14;
  - 5. The testing of water and aquatic and other life under Section 342D-52; and
  - 6. The requiring of record keeping and monitoring under HRS, Section 342D-55.

- B. The delegation of enforcement authority is to the director of transportation and such DOT employees that the director of transportation appoints, and the director of transportation accepts the delegated powers.
- C. Under HRS, Section 342D-9(d), (e), (f), and (g), the director of health reserves the authority to appoint hearing officers for any HRS, Chapter 91, administrative hearings, to conduct such hearings personally, to hear any administrative appeals from any hearing officers' recommendations, and to render the final administrative decisions in all HRS, Chapter 91, cases under HRS, Chapter 342D.
- D. This delegation of power to the director of transportation and DOT employees is in addition to the power delegated to DOH employees by the director of health and does not diminish or eliminate any powers of the director of health or DOH employees. For example, the DOH retains the power to enforce the permits against DOT.

#### V. RESPONSIBILITIES

- A. The DOT shall:
  - 1. Investigate and enforce against illicit discharges.
  - 2. Inform DOH of all complaints, investigations, and reports of alleged illicit discharges;
  - 3. Send to DOH copies of all informal notices of violation and other informal enforcement letters regarding illicit discharges;
  - 4. Coordinate with DOH before issuing formal notices of violation and orders against illicit discharges. This provision shall be reviewed within one year and may be terminated after one year;
  - 5. Coordinate with DOH on whether the State should start a civil or criminal suit against illicit discharges.

6. Seek training and advice from DOH on the investigation of and administrative enforcement against illicit discharges.

B. The DOH shall:

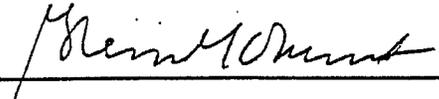
1. Train and advise DOT on the investigation of and administrative enforcement against illicit discharges.
2. Inform DOT of current developments in laws and programs regarding illicit discharges;
3. Coordinate with DOT regarding formal notices of violation and orders against illicit discharges;
4. Coordinate with DOT on whether the State should start a civil or criminal suit against illicit discharges.
5. Provide a hearing officer as needed to hear and recommend decisions on contested cases arising from DOT administrative enforcement cases against illicit discharges.

VI. OTHER PROVISIONS

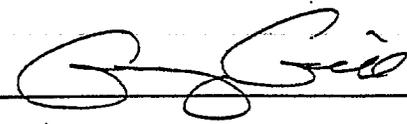
- A. This MOU does not alter the statutory authority and responsibilities or the respective permit requirements under the NPDES of the DOT. The intent of the MOU is to form a basis by which the aforementioned goals and objectives can be carried out by each agency in a cooperative manner.
- B. The MOU does not obligate any funds from the DOT and DOH.
- C. The MOU complies with the nondiscrimination provision of Title VI of the Civil Rights Act of 1964, including Section 504 of Title IX, the Age Discrimination Act of 1975, and other applicable nondiscrimination policies.
- D. The MOU may be amended or terminated at anytime by mutual consent of the DOT or the DOH, or the MOU may be terminated by any agency alone by giving sixty (60) days written notice to the other agency.

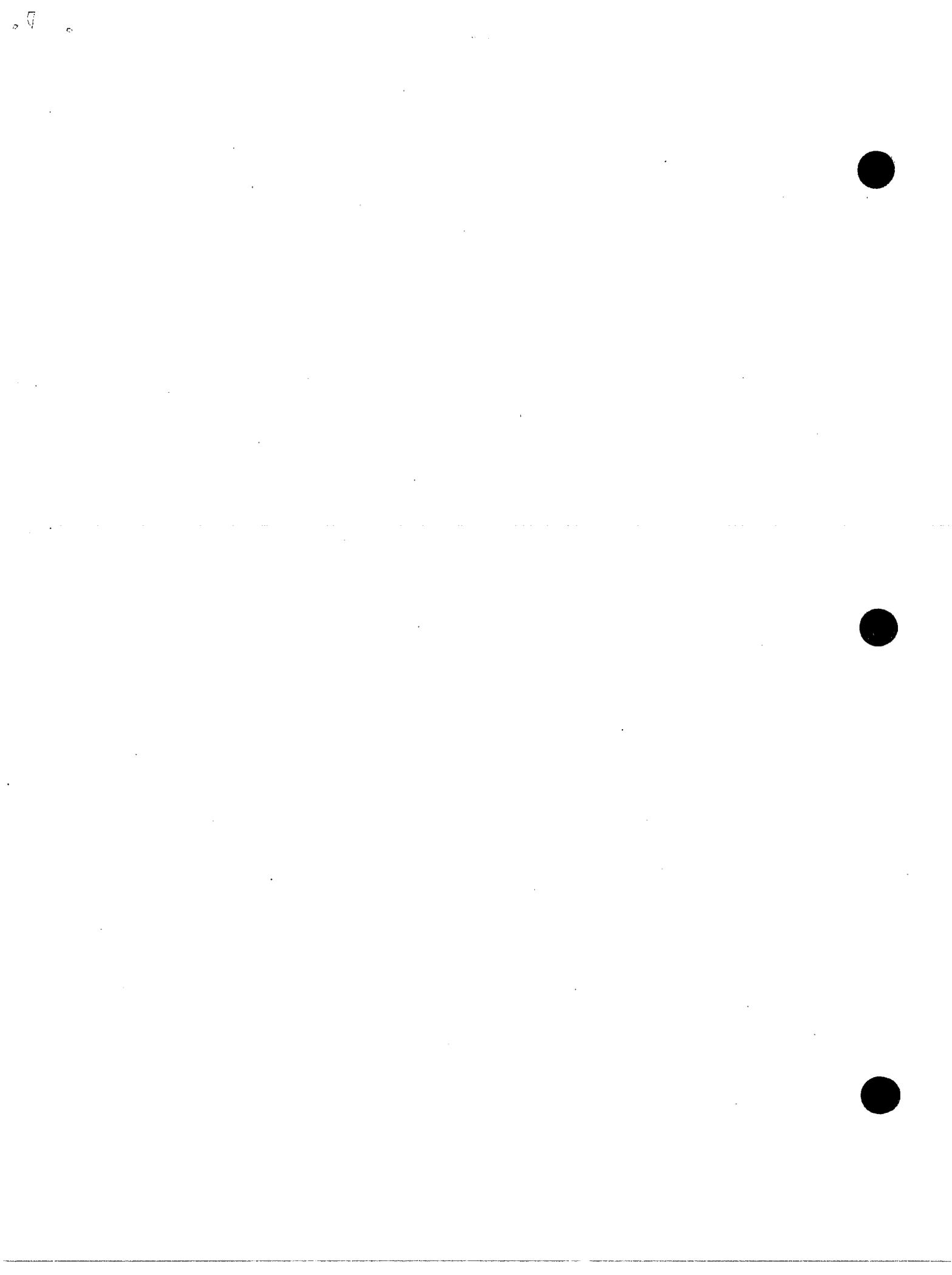
E. This MOU shall take effect upon signing by both the DOH and DOT..

DEPARTMENT OF TRANSPORTATION  
STATE OF HAWAII

By   
Title Director of Transportation  
Date \_\_\_\_\_

DEPARTMENT OF HEALTH  
STATE OF HAWAII

By   
Title Director of Health  
Date MAR 29 2000



# ***Attachment IV***

## ***Program Effectiveness Strategy***

# PROGRAM EFFECTIVENESS STRATEGY



HONOLULU INTERNATIONAL AIRPORT  
NPDES PERMIT No. HI S000005



Prepared By:  
**DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION**  
Honolulu International Airport  
400 Rodgers Boulevard, Suite 700  
Honolulu, Hawaii 96819-1880

June 2015

Version 1.0

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## **1.0 INTRODUCTION**

---

The State of Hawaii Department of Transportation, Airports Division (DOTA) has completed this written strategy for determining the effectiveness of the Storm Water Management Program Plan (SWMPP) at the Honolulu International Airport (HNL) in accordance with the National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer System (MS4) permit HI S000005, Part G.1.d. The strategy includes water monitoring efforts as well as evaluation of SWMPP implementation indicators to determine which elements are most beneficial in improving water quality.

### **1.1 Reference Documents**

The DOTA utilizes several documents to evaluate the compliance status and effectiveness of its storm water program at HNL, including the SWMPP, Annual Monitoring Plan, Annual Monitoring Report, and Annual Report. This evaluation will be used to assist DOTA in future decision making so that resources are focused on the areas of greatest impact.

#### ***1.1.1 Storm Water Management Program Plan***

The HNL SWMPP includes individual sections with supporting documents which detail how the DOTA will comply with MS4 permit requirements:

- Section A: Public Education and Outreach / Public Involvement and Participation
- Section B: Illicit Discharge Detection and Elimination
- Section C: Construction Site Runoff Control
- Section D: Post-Construction Storm Water Management in new Development and Redevelopment
- Section E: Pollution Prevention and Good Housekeeping
- Section F: Industrial and Commercial Activities Discharge Management Program
- Section G: Hydrocarbon Removal and Remediation Plan
- Section H: Storm Water Monitoring Plan

The latest implemented version of the SWMPP is available online at:

<http://hidot.hawaii.gov/airports/doing-business/engineering/environmental/hnl-storm-water-program/>.

The SWMPP will be updated to comply with the April 14, 2014 revision of the MS4 permit to include a description of program requirements or best management practices (BMPs) and underlying rationale. Further, each requirement will have a measurable standard or milestone as well as a method for monitoring that measurement, which will aid in determining its effectiveness.

### ***1.1.2 Annual Storm Water Monitoring Plan***

The Storm Water Monitoring Plan is a part of the SWMPP and will be updated annually by June 1<sup>st</sup> to reflect activities planned for the fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>). The plan includes a description of selected sample locations that will adequately represent discharges from the HNL MS4. The plan also details objectives for the monitoring that will aid DOTA in determining whether their efforts have been successful in reducing and or eliminating pollutant loads from the HNL MS4.

### ***1.1.3 Annual Storm Water Monitoring Report***

By August 31<sup>st</sup> each year, the DOTA will complete a Storm Water Monitoring Report that will detail the efforts made during the fiscal year to conduct storm water sampling. Storm water monitoring results will be compared to effluent limitations identified in the MS4 permit as well as Hawaii Administrative Rules (HAR) 11-54 in order to determine whether the DOTA is in compliance and has met monitoring plan objectives. In the future, total maximum daily loads (TMDLs) may be assigned to the watersheds and results will also be compared against those limitations as appropriate.

In addition to compliance, the monitoring data will allow DOTA to determine quantitatively where program improvements should be made and also which types of pollutants and/or pollutant generating activities should be targeted. This will be particularly pertinent to the discussion of type and placement of permanent BMPs. This evaluation will be included in the annual monitoring report as well as the annual report.

### ***1.1.4 Annual Report***

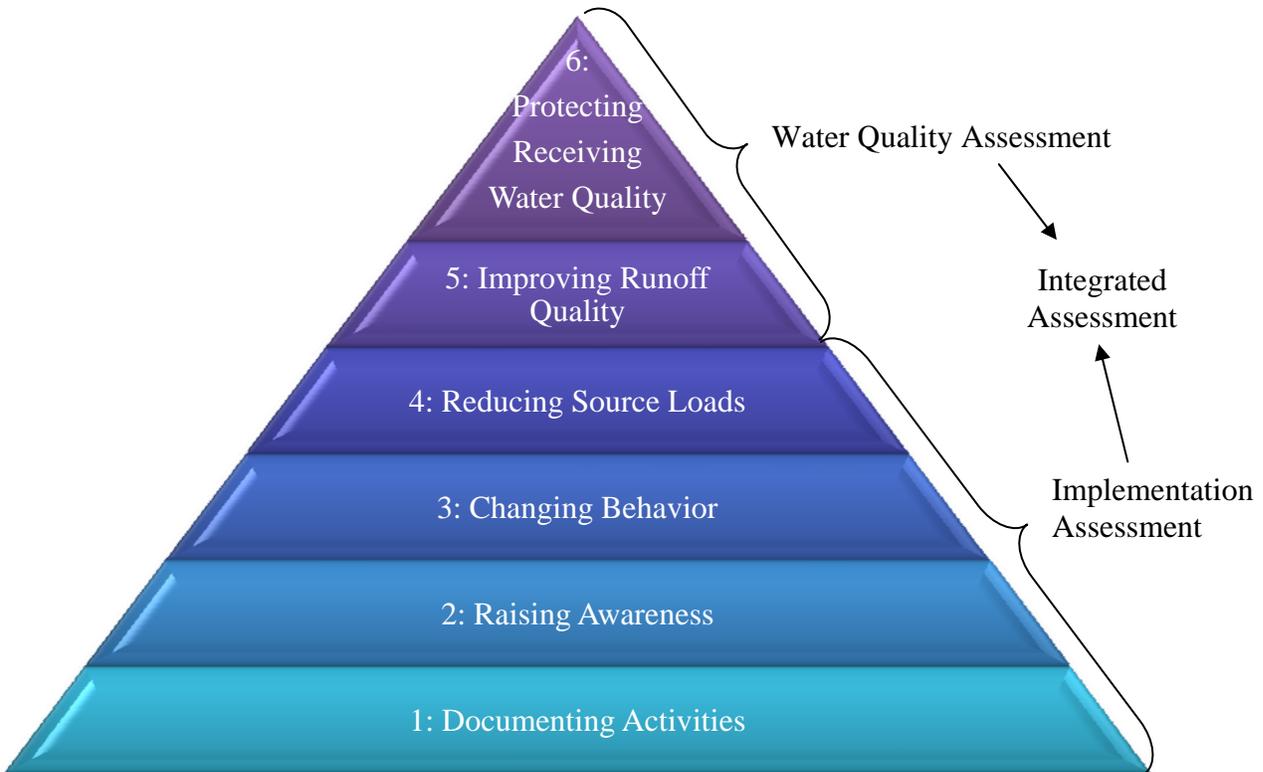
The DOTA uses the annual reports to document SWMPP implementation efforts made during the fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) and is the primary tool to evaluate program effectiveness. The report includes both a qualitative and quantitative assessment of SWMPP elements. Each of the SWMPP requirements or BMPs listed includes a description of the applicable measurable goal, progress made toward that goal, and planned future activities. Further, quantitative data, where available, is compared to historical records so that trends can be identified.

An example of trend identification for DOTA has been tracking the number of tenant inspections and enforcement events historically and plotting them on a graph. The information can then be interpreted to determine whether the number of inspections is adequate based on the number of enforcement events. Also, the types of enforcement can be graphed to allow the DOTA to target specific activities for further public education efforts. For example, if the greatest number of enforcement actions resulted from aircraft maintenance activities, DOTA could create education materials that highlight proper maintenance BMPs and/or highlight it during training sessions.

Similar comparisons enable DOTA to identify which SWMPP program components use the most resources and which are most effective so that funds and efforts can be redistributed appropriately. This report and the evaluations are completed each year by August 31<sup>st</sup>.

## 2.0 ASSESSMENT OUTCOMES

Each of the aforementioned reference documents will include an assessment of program effectiveness to evaluate whether the desired outcomes are being achieved efficiently and cost-effectively per methods described by the California Stormwater Quality Association (CASQA). The outcomes are defined as the result of a control measure, program element, or overall program and are categorized as shown in the figure below.



A particular assessment may not include every outcome category, while in some cases, several outcomes may occur simultaneously. The following outcome categories and examples provided are not necessarily measurable milestones that DOTA will implement, but are meant to serve as guidance when selecting appropriate outcomes. Specific measurable milestones for the DOTA program at HNL will be included in the SWMPP and annual report.

### 2.1 Category 1: Documenting Activities

Outcomes from this category will provide direct feedback to DOTA on whether the program is in compliance with NPDES MS4 requirements. Some examples of category 1 outcomes include:

- Number of trainings conducted.
- Number of inspections conducted.
- Inspection form developed.

## **2.2 Category 2: Raising Awareness**

DOTA places an emphasis on increasing the level of environmental knowledge among personnel, tenants, and users of the airport. Category 2 outcomes will allow the DOTA to determine how effective their programs are at raising awareness in the target audience. Category 2 outcomes are generally garnered from surveys and quizzes, examples include:

- Percentage change in the number of tenants who know the difference between a sewer and a storm drain system.
- Percentage change in the number of tenants who know what types of BMPs to implement.
- Percentage change in the number of DOTA inspectors who understood concepts presented in training courses.
- Number of tenants receiving storm water awareness training.

## **2.3 Category 3: Changing Behavior**

Category 3 outcomes provide feedback on how effective the program has been in motivating the target audience to change their behaviors. Category 2 and 3 outcomes may occur simultaneously or Category 2 efforts for raising awareness may over time develop Category 3 outcomes for behavior change. This category can be measured both quantitatively using statistics and qualitatively based on direct observations. Examples of category 3 outcomes include:

- Percentage change in construction sites with implemented BMPs.
- Reduction in the number of repeated BMP deficiencies at construction sites.
- Percentage change in tenants implementing BMPs for their activities.
- Amount of waste collected from recycling events.

## **2.4 Category 4: Reduction Source Loads**

Category 4 outcomes provide feedback on how effective the program has been in preventing particular pollutants from impacting storm water runoff and the MS4. This is accomplished from either reducing the use of potential pollutants or providing enough barriers to prevent them from impacting the drainage system (e.g. cover, berms, etc.). Data obtained from category 4 outcomes generally should be compared to a baseline load to evaluate changes. Examples of category 4 outcomes include:

- Amount of material removed from street sweeping.
- Quantity of used oil collected at the T-Hangar collection sites.
- Amount of pesticides purchased and used.

## **2.5 Category 5: Improving Runoff Quality**

The primary focus of the DOTA SWMPP is to reduce pollutants in storm water to the maximum extent practicable, and to ensure that these discharges do not cause or contribute to violations of water quality standards in receiving waters. Category 5 outcomes enable a measurement in the reductions of specific pollutants from the MS4 and generally require timeframes of a year or more. Examples of category 5 outcomes include:

- No instances of exceeding water quality limits set in HAR 11-54.
- Downward trend in oil and grease concentrations from DOTA baseyard sampling point over the term of the permit.

## **2.6 Category 6: Protecting Receiving Water Quality**

The ultimate goal of the storm water program is to ensure the protection of the State's water bodies. Category 6 outcomes focus on compliance with water quality standards. Note that a watershed approach will be necessary to evaluate all impacts to a particular receiving water. However, the DOTA will use category 6 outcomes to ensure that receiving waters are protected from adverse impacts by the HNL MS4. Examples of category 6 outcomes include:

- Compliance with Hawaii Administrative Rules, 11-54 receiving water criteria.
- Healthy aquatic wildlife visible in nearshore waters.

## **2.7 Integrated Assessment**

Outcome categories 1 through 4 describe the program implementation, which is a measure of whether the DOTA has met their programmatic and compliance goals. Categories 5 and 6 describe water quality assessment, which uses sampling and other environmental data to characterize the storm water discharges and receiving waters. An integrated assessment of both program implementation and water quality assessment allows DOTA to use the information garnered to make program changes and redirect resources where they will provide the greatest impact.

### 3.0 ASSESSMENT TOOLS

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In order to complete the integrated assessment, DOTA will utilize various tools to identify and measure program outcomes. Selecting the appropriate tool or method will depend upon the particular program element, the target audience, and the outcome category being addressed.

Assessment Tool	Outcome Category	Target Audience	SWMPP Sections
<b>Confirmation</b>	1	DOTA Personnel	All
<b>Tabulation</b>	1 – 3	All	All
<b>Surveys / Quizzes</b>	2 – 3	All	Section A and Training Events
<b>Inspections</b>	1 – 4	DOTA Personnel, Tenants, Contractors	Sections C, D, and F
<b>Quantification</b>	4 – 6	All	All
<b>Monitoring</b>	4 – 6	All	Section H and Overall Program

#### 3.1 Confirmation

The confirmation assessment tool consists of documenting whether an activity or task has been completed and is usually expressed as “yes” or “no” outcome. Examples of outcomes include:

- Construction plan reviews conducted.
- Complaint hotline established.
- Post-construction standards developed.

#### 3.2 Tabulation

The tabulation assessment tool is a quantitative measure that can be expressed in absolute terms (e.g. the number of people participating in a training event) or in relative terms (e.g. percentage increase in the amount of debris removed from the shoreline). DOTA will rely on good record keeping practices for this information and totals will generally be obtained from the Enviance web-based database or other electronic database. Examples of outcome tabulations include:

- Number of illicit discharges investigated.
- Number of calls made to the hotline.
- Percentage of tenants in compliance.

#### 3.3 Surveys / Quizzes

Surveys and quizzes are an assessment tool that gathers data from a representative population regarding their views or knowledge on a particular subject. There may be a variety of collection methods such as quizzes conducted during training events, surveys mailed to DOTA tenants, or information question and answer sessions conducted by inspectors.

### **3.4 Inspections or Site Visits**

The inspection assessment tool involves direct observation of a target audience to determine if the desired actions are being taken. These inspections may be formal, scheduled events to determine compliance with regulations or policies or they may be informal to gather information or provide educational outreach. Examples of direct observations that can be made include:

- Outreach materials displayed in tenant facilities.
- Waste disposal manifests available for review.
- Construction site SWPPPs are on-site and implemented.

### **3.5 Quantification**

The quantification tool refers to efforts to quantify reductions in loading or improvements in environmental quality. The two main approaches for this method are quantity tracking and pollutant load estimation. Quantity tracking may involve quantifying the amount of wastes removed from the storm drain system during cleaning or amount of wastes collected from recycling events. While not all wastes would have impacted the MS4, it provides an estimate of the amount of wastes that have been diverted. The other approach to quantification is to project the load reduction that may be achieved through implementation of BMPs or program activities. This is most frequently utilized when considering the implementation of permanent BMPs since many treatment devices have been studied and can provide specific performance ratings for pollutant removal. Examples of quantification in outcome categories include:

- Reduction in runoff volume due to permanent BMPs.
- Reduction in quantity of debris on shoreline.
- Reduction in quantity of pesticides used.

### **3.6 Monitoring**

The monitoring tool involves either laboratory analysis of media samples to measure pollutant concentrations or visual observations to assess environmental conditions such as vegetation cover of imperviousness. Examples of monitoring outcomes include:

- Reduction in nutrient concentration in the storm water discharge.
- Reduction in sediment concentrations from construction sites.

## **4.0 EFFECTIVENESS STRATEGY**

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The DOTA's assessment strategy includes these steps:

1. Determine the purpose or focus of the assessment (e.g. desired outcome identified in SWMPP).
2. Establish a baseline or reference conditions.
3. Identify tools or methods that can be used to determine if or when the outcome is achieved.
4. Use the information to make decisions.

The DOTA utilizes these steps to develop and update the measurable milestones for their program plans described in Section 1.1. Further, the annual report includes an assessment using the previously described outcomes and tools as a method to provide a detailed summary of the program's effectiveness.

## 5.0 REFERENCES

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- California Stormwater Quality Association (CASQA). May 2007. *Municipal Stormwater Program Effectiveness Assessment Guide*.
- City & County of Honolulu, Department of Environmental Services. June 2012. *Storm Water Management Program Plan, Program Effectiveness Assessment Plan*.
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