

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

RYOME L. FUKINO
DIRECTOR OF HEALTH

IC.
In reply, please re:
END / CWB

May 19, 2003

03KB488

The Honorable Rodney K. Haraga
Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Mr. Fred Nunes
Harbors Division
Engineering Program Manager

Dear Mr. Haraga:

Subject: NOTICE OF GENERAL PERMIT COVERAGE (NGPC)
National Pollutant Discharge Elimination System (NPDES)
Kalaeloa Barbers Point Harbor Small Municipal Separate Storm Sewer System
Kapolei, Oahu, Hawaii
File No. HI 03KB488

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

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HARBORS DIVISION

(hereinafter "PERMITTEE")

authorized to discharge storm water runoff and certain non-storm water discharges as identified in Section 2.b. of this NGPC from the Hawaii Department of Transportation, Harbors Division (DOT-Harbors) Small Municipal Separate Storm Sewer System (Small MS4) outfalls identified in the Notice of Intent (NOI), dated March 7, 2003, and additional Small MS4 outfalls that may be identified from time to time by the DOT-Harbors, to the receiving waters named Kalaeloa Barbers Point Harbor, a Class A, Marine Water Embayment.

This NGPC is subject to the Permittee's compliance with:

- HAR, Chapter 11-55, Appendix K, NPDES General Permit Authorizing Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems.
- HAR, Chapter 11-55, Appendix A, DOH, Standard General Permit Conditions.
- HAR, Sections 11-55-34.04(a), 11-55-34.07, 11-55-34.11, 11-55-34.12, and any other applicable Sections of HAR, Chapter 11-55.

The Permittee shall, but not be limited to, comply with the following General Requirements, Discharge Monitoring Requirements, and Reporting Requirements.

1. GENERAL REQUIREMENTS

The Permittee shall:

- a. Comply with all materials submitted in and with the NOI, dated March 7, 2003.
- b. Retain a copy of the NOI; the submitted Storm Water Management Plan (SWMP), and all subsequent revisions; and this NGPC at the facility.
- c. Ensure that anyone working under this NGPC complies with the terms and conditions of this NGPC.
- d. Revise the SWMP if any discharge limitation or water quality standards established in HAR, Section 11-54-04 for marine waters are exceeded. The revisions shall include Best Management Practices (BMPs) and/or other measures to reduce the amount of pollutants found to be in exceedance from entering State waters.
- e. Obtain all necessary permits, certifications, approvals, etc. from all pertinent agencies for the subject project.
- f. Include the file number, HI 03KB488, and the following certification with all information required under this NGPC:

"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.”

- g. Submit all information required under this NGPC to the following address:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

2. DISCHARGE MONITORING REQUIREMENTS

- a. The Permittee shall effectively prohibit non-storm water discharges through its system into State waters. NPDES permitted discharges and discharges identified in Section 2.b. of this NGPC are exempt from this prohibition.
- b. The following non-storm water discharges may be discharged into DOT-Harbors' Small MS4 without an NPDES permit, provided that the DOT-Harbors determines that such discharges will not contain pollutants in amounts that will cause or contribute to a violation of an applicable water quality standard and the SWMP shall “identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.”
- i. Water line flushing;
 - ii. Landscape irrigation;
 - iii. Diverted stream flows;
 - iv. Rising ground waters;
 - v. Uncontaminated ground water infiltration (as defined in Title 40, Code of Federal Regulations (40 CFR) §35.2005(20));

- vi. Uncontaminated pumped ground water;
 - vii. Discharges from potable water sources and foundation drains;
 - viii. Air conditioning condensate;
 - ix. Irrigation water;
 - x. Springs;
 - xi. Water from crawl space pumps and footing drains;
 - xii. Lawn watering runoff;
 - xiii. Water from individual residential car washing;
 - xiv. Flows from riparian habitats and wetlands;
 - xv. Dechlorinated swimming pool discharges;
 - xvi. Residual street wash water; and
 - xvii. Discharges or flows from fire fighting activities.
- c. The discharge of pollutants from the DOT-Harbors' Small MS4 shall be reduced to the maximum extent practicable.

3. REPORTING REQUIREMENTS

The permittee shall:

- a. Develop, implement, and enforce the SWMP designed to reduce the discharge of pollutants from the DOT-Harbors' Small MS4 to the maximum extent practicable in order to protect water quality and satisfy the appropriate water quality requirements of the Act. In accordance with Section 6(a) of Appendix K, Chapter 11-55, HAR, the SWMP shall include the minimum control measures identified below:
 - i. Public Education and Outreach
 - ii. Public Involvement/Participation

- iii. Illicit Discharge Detection and Elimination
 - iv. Construction Site Runoff Control
 - v. Post-Construction Storm Water Management in New Development and Redevelopment
 - vi. Pollution Prevention/Good Housekeeping
- b. Submit the SWMP within 120 days of the Permittee's claimed automatic coverage which became effective on April 7, 2003.
 - c. Develop measurable goals to gauge permit compliance and program effectiveness for each minimum control measure identified above. The permittee shall select measurable goals using an integrated approach that fully addresses the requirements and intent of the minimum control measure.
 - d. Report in writing any proposed modification described in accordance with Section 6(c)(1) of Appendix K, Chapter 11-55, HAR, to the DOH for approval at least thirty days prior to the initiation date of the modification. The permittee shall report and justify all other modifications made to the SWMP in the annual report for the year in which the modification was made.
 - e. Submit an annual report by January 28th of the following year in accordance with Section 9(a) of Appendix K, Chapter 11-55, HAR. The annual report shall cover each calendar year during the term of this NGPC and include the following:
 - i. Status of compliance with conditions of this NGPC;
 - ii. Assessment of the SWMP, including progress towards implementing each minimum control measure;
 - iii. Modifications made to the SWMP and implementation schedule during that calendar year, including justifications;
 - iv. Summary of the storm water activities planned to be undertaken during the next calendar year; and
 - v. Major modifications made to DOT-Harbors' Small MS4, including, but not limited to, addition and removal of outfalls, drainage lines, and treatment facilities.

- f. Properly address all modifications, concerns, requests and/or comments to the DOH's satisfaction.
 - i. 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 NGPC 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 the DOH. 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 Section 122.62 and Part 124.
 - ii. System Modifications include any planned physical alterations or additions to the permitted Small MS4, any existing outfalls newly identified over the term of this NGPC.

This NGPC will take effect on the date of this notice. This NGPC will expire at midnight, November 6, 2007, or when amendments to HAR, Chapter 11-55, Appendix K, are adopted, whichever occurs first.

If you have any questions, please contact Ms. Joanna L. Seto of the Engineering Section, Clean Water Branch, at 586-4309.

Sincerely,



CHIYOME L. FUKINO, M.D.
Director of Health

- Enclosures:
- 1. HAR, Sections 11-55-01 and 11-55-34 to 11-55-34.12
 - 2. HAR, Chapter 11-55, Appendices A and K
 - 3. Title 40, CFR Citations as referenced in HAR, Chapter 11-55, Water Pollution Control, Appendix A

- c: Mr. Fred Nunes, Engineering Program Manager, DOT-Harbors (w/o encls.)
[via fax 587-1864 only]
Mr. Charles G. Schuster, P.E., Edward K. Noda and Associates, Inc. (w/ Receipt No. 03552 for \$500 Filing Fee only)



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to
OOHCWB

03KB488.I

October 19, 2007

The Honorable Barry Fukunaga
Director
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Attention: Mr. Frederick S. Nunes, P.E.
Engineering Program Manager
Harbors Division

Dear Mr. Fukunaga:

**Subject: Administrative Extension of
Notice of General Permit Coverage (NGPC)
Kalaeloa Barbers Point Harbor
Kalaeloa, Oahu, Hawaii
File No. HI 03KB488**

The Department of Health (Department), Clean Water Branch (CWB) acknowledges receipt of your Notice of Intent (NOI) and \$500 filing fee for coverage under the National Pollutant Discharge Elimination System general permit provisions, in accordance with the Hawaii Administrative Rules (HAR), Section 11-55-34.08.

The Department is unable to complete the processing of your project's NOI prior to the current NGPC expiration date. Therefore, in accordance with HAR, Section 11-55-34.09(d), the Department hereby administratively extends the subject NGPC until a notice of renewed coverage under the applicable general permit is issued or until notified by the Department, whichever occurs first. Please note that the Department may request you submit additional information in order to complete the processing of your NOI for the renewed coverage.

The Permittee shall not be held in violation of Hawaii Revised Statutes, Chapter 342D-6(h) and HAR, Chapter 11-55 during the pendency of its NOI, so long as it acts consistently with the NGPC presently granted. Any non-compliance with the conditions of the administratively extended NGPC may be subject to penalties of up to \$25,000 per violation per day.

It is the Permittee's responsibility to ensure that anyone working under this administrative extension of your NGPC understands and complies with the terms and conditions therein.

The Honorable Barry Fukunaga
October 19, 2007
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If you have any questions, please contact Ms. Joanna L. Seto, Supervisor of the Engineering Section, CWB, at 586-4309.

Sincerely,



FOR Chiyome Leinaala Fukino, M.D.
Director of Health

c: Mr. Randal Leong, DOT-HAR [via fax 587-1864 only]
Mr. Charles Schuster, EKNA Services, Inc. (w/Receipt No. 31732 for \$500 Filing Fee)