# Final

# Harbors Tenant Inspection Manual


**State of Hawaii**
**Department of Transportation**
**Harbors Division**
**79 South Nimitz Highway**
**Honolulu Hawaii 96813-5898**

**February 2014**

Version 6.0

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# Table of Contents

## List of Figures



## List of Attachments

# List of Acronyms

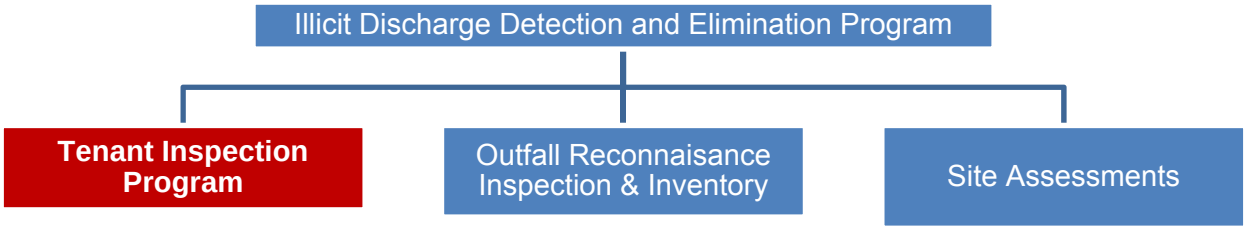
| | |
|---|---|
| AFFF | Aqueous Film Forming Foam |
| AST | Aboveground Storage Tank |
| BMP | Best Management Practice |
| CCH | City and County of Honolulu |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CESQG | Conditionally Exempt Small Quantity Generator |
| CFR | Code of Federal Regulations |
| CWA | Clean Water Act |
| CWB | Clean Water Branch |
| DLNR | Department of Land and Natural Resource |
| ECO | Environmental Compliance Officer |
| EHS | Extremely Hazardous Substance |
| EMS | Environmental Management System |
| EPCRA | Emergency Planning and Community Right-to-Know Act |
| ERP | Enforcement Response Plan |
| ºF | Degree of Fahrenheit |
| FWPCA | Federal Water Pollution Control Act |
| HAR | Hawaii Administrative Rules |
| HAZCOM | Hazard Communication |
| HCDA | Hawaii Community Development Authority |
| HDOH | State of Hawaii, Department of Health |
| HDOT | State of Hawaii, Department of Transportation |
| HEPCRA | Hawaii Emergency Planning and Community Right-to-Know Act |
| HERL | Hawaii Environmental Response Law |
| HRS | Hawaii Revised Statutes |
| HSERC | Hawaii Emergency Response Commission |
| IDDE | Illicit Discharge Detection and Elimination |
| LEPC | Local Emergency Planning Committees |
| LQG | Large Quantity Generator |
| MS4 | Municipal Separate Storm Sewer System |
| MSDS | Material Safety Data Sheet |
| NAICS | North American Industrial Classification System |
| NAV | Notice of Apparent Violation |
| NCP | National Contingency Plan |
| NFVO | Notice and Finding of Violation Order |
| NGPC | Notice of General Permit Coverage |
| NOI | Notice of Intent |
| NPDES | National Pollutant Discharge Elimination System |
| NRC | National Response Center |
| OSC | On-Scene Coordinator |
| OSHA | Occupational Safety and Health Administration |

| | |
|---|---|
| OWS | Oil/Water Separator |
| P2 | Pollution Prevention |
| PCB | Polycyclic Chlorinated Biphenyls |
| psi | pound-force per square inch |
| RCRA | Resource Conservation and Recovery Act |
| SARA | Superfund Amendments and Reauthorization Act |
| SCP | State Contingency Plan |
| SHOT | Stormwater Hotline Occurrence Tracking |
| SHWB | Solid and Hazardous Waste Branch |
| SIC | Standard Industrial Code |
| SPCC | Spill Prevention, Control, and Countermeasure |
| SQG | Small Quantity Generator |
| sVGP | Small Vessel General Permit |
| SWDA | Solid Waste Disposal Act |
| SWMP | Storm Water Management Plan |
| SWPC | Storm Water Pollution Control |
| TIM | Tenant Inspection Manual |
| TPQ | Threshold Planning Quantity |
| TSCA | Toxic Substance Control Act |
| USC | United States Code |
| USCG | United States Coast Guard |
| UST | Underground Storage Tank |
| VGP | Vessel General Permit |

# 1.0 TENANT INSPECTION MANUAL

This Tenant Inspection Manual [TIM] is a component within the State of Hawaii Department of Transportation [HDOT], Harbors Division's environmental program, designed to eliminate polluted discharges to its storm drain system and State waters from Harbor's tenants. The TIM is also a part of the greater Illicit Discharge Detection and Elimination [IDDE] program implemented by HDOT Harbors Division (hereinafter referred to as "Harbors"). This manual is for Harbors personnel tasked with the responsibility of environmental compliance. As part of the TIM, Harbors has implemented a stormwater risk ranking system for all Harbors tenants that allows for improved allocation of environmental oversight to those areas of harbor operations where environmental impacts are highest, as well as to provide an objective assessment of tenant activities at their facilities.

**Figure 1-1 IDDE Structure Chart**




"Tenant" shall mean a person, group, partnership, corporation, or any other entity that has an executed lease, revocable permit or disposition instrument under chapter 171, Hawaii Revised Statutes [HRS] to use or occupy land, a building, structure, or other property owned by Harbors. This term also includes Harbors' approved sub-tenants and entities using container or terminal facilities.

## 1.1 HDOT Harbors Division Environmental Organization

Harbors environmental organization is centralized within the Engineering Branch at the Hale Awa Ku Moku Building, located at 79 South Nimitz Highway, Honolulu Hawaii 96813. The Environmental Section Supervisor reports to the Engineering Program Manager. The Engineering Program Manager reports to Deputy Director, who in turn reports to the Director of Transportation.

Harbors Environmental Section consists of one supervisor and several staff environmental health specialists and/or environmental engineers. The Environmental Section Supervisor continuously evaluates workloads and assigns new tasks based on location, technical expertise, and current workload. This management structure allows for immediate access to the Environmental Section by Harbors Districts, while maximizing utilization and therefore spreading the workload more evenly.

The Harbors TIM is overseen by the Harbors Environmental Section. This manual is for use by

the Harbors Environmental Section and others associated with the Tenant Inspection Program. One copy of *HDOT Harbors Division Environmental Group Organizational Chart* is enclosed in Attachment 1 with Environmental Section highlighted in green.

## 1.2 Applicability

Harbors implements this Tenant Inspection Program at the following harbors:

- Honolulu Harbor (Oahu District)
- Kalaeloa Barbers Point Harbor (Oahu District)

These two harbors operate under small Municipal Separate Storm Sewer System [MS4] permits. The Permit File Numbers are ***HI 03KB482*** for Honolulu Harbor and ***HI 03KB488*** for Kalaeloa Barbers Point Harbor. This program applies to all active tenants inventoried in the database as well as new tenants to-be-added to the database.

Inspection and risk ranking criteria (covered in this manual) are related to vessel operations conducted solely on-land.

## 1.3 Tenant Requirements

All Harbors tenant lease agreements and revocable permits include language stating that the tenant is responsible for compliance with all environmental laws and regulations. For example, tenants conducting industrial activities within their exclusive areas must seek separate National Pollutant Discharge Elimination System [NPDES] permit coverage from the State of Hawaii Department of Health [HDOH], if required. Environmental Protection Agency [EPA] regulated hazardous substances and marine pollutants are not allowed to be used, treated, stored, or disposed, unless they are incidental to normal operations of the tenant's business.

All new tenant lease agreements and revocable permits require that, prior to bringing any EPA regulated hazardous substance or chemical on site, the tenant must obtain Harbors consent. Details of the lease agreements and revocable permits are included in Attachment 2. Summaries of a list of major pertinent environmental regulations are enclosed in Attachment 9.

Failure to comply with clauses specified in the lease agreement or revocable permit may result in civil/criminal penalties or termination of the lease or revocable permit. Severe environmental violations are to be reported to HDOH, EPA or other appropriate regulatory agency for escalated enforcement.

Tenants desiring to develop improvement projects on Harbors property must obtain approval from Harbors prior to initiation of the project. The tenants are responsible for obtaining permits from appropriate regulatory agencies and for furnishing proof to Harbors before commencing with construction activities. These permits include, but are not limited to, NPDES permits,

building permits, grading permits, dredging permits, special management area [SMA] permits, permits to discharge into the State Harbors Drainage System, and permits for discharging/connection to the State Harbors Drainage System. For a project requiring an NPDES permit during construction, required BMPs should be implemented to minimize the discharge of pollutants. Harbors will inspect the tenant project BMPs on a regular basis. Violations observed during inspections will be documented, and enforcement actions will be taken following the procedures in Enforcement Response Plan [ERP] (Harbors, 2014). A comprehensive list of BMPs related to construction is documented in *Construction Site Runoff Control Program* (Harbors, 2013).

## 1.4 Vessel Owners Responsibility

Harbors tenants owning or operating vessel(s) are subject to requirements of the Vessel General Permit [VGP] regulated by EPA. In addition, any vessel maintenance, repair, washing, and fueling activities must be conducted following United States Coast Guard [USCG] regulations. Inspection and risk ranking criteria (covered in this manual) are related to vessel operations conducted solely on-land. Details of the pertinent VGP are included in Attachment 12.

# 2.0 TENANT INSPECTIONS

## 2.1 Overview

Harbors conducts various types of inspections of its tenants to prevent the discharge of pollutants to its storm drain system and State waters. Tenant inspection types include: **new inspections**, conducted within three months of new tenant occupancy; **routine inspections**, conducted at frequencies based on a tenant's risk ranking; **investigation inspections**, when a suspected illicit discharge is observed; **annual reconnaissance inspections**, conducted for low-risk ranked tenants; **follow-up inspections** which may be required when corrective actions must be confirmed; or **final inspections**, which are conducted prior to lease termination.

Note that tenants areas, occupying or using subsurface or submerged land (e.g., easement holders), are excluded from the TIM. To date, Harbors has inspected and risk-ranked each tenant. Each tenant has been assigned a risk designation of high, medium, or low, based on the results of the inspections and risk ranking procedures. The most up-to-date risk designation of each tenant determines the frequency of routine tenant inspections.

Harbors Environmental Section maintains a tenant database that includes information such as company name, harbor, contact information (primary and alternative if available), mailing address, email address if available, and risk ranking. In addition, the database includes other information such as tenant general information (major operations conducted at the site), inspection results (e.g., inspection dates, materials stored on site, list of potential pollution sources, etc.), risk ranking, NPDES permit number (if any), and enforcement actions (e.g., required corrective actions).

## 2.2 Inspection Types

### *2.2.1 Initial Site Inspection/New Tenant Inspection*

The initial site inspection (or new tenant inspection) is conducted within three months of the new tenant occupying an existing facility, or the tenant's completion, construction, and occupancy of a newly constructed facility. The purpose of the new tenant inspection is to identify any environmental asset, initiate and assign a risk ranking, and to convey the applicable environmental regulations contained in the Harbors SWMP program for the new tenant. In addition, it can also help identify applicable BMPs for the new tenant.

This type of inspection will use *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (enclosed in Attachment 4) as a primary tool. Information obtained from the inspection will be recorded in the database and a risk ranking will be properly assigned for the new tenant.

Ongoing coordination with Harbors Property Management Section enables site inspections of

new tenant operations. Notification of a new lease or revocable permit will trigger a new tenant inspection. If necessary (e.g., significant operational or exclusive use area changes occur for an existing tenant), a new tenant inspection will be conducted within three months at an existing tenant's facility when a lease or revocable permit is replaced with a new one. If a violation is observed during the inspection, it will be addressed according with the steps described in *Section 5.0 – Enforcement*, and the inspection report will be completed within 20 days.

### *2.2.2 Routine Tenant Inspection*

Routine tenant inspections are required under Harbors storm water management program and will utilize the revised *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (enclosed in Attachment 4) as a primary tool. The primary purpose of the inspection is to evaluate whether the facility causes or contributes to water pollution, how facility operations comply with Harbors storm water management program, major environmental laws, applicable BMPs, pollution prevention [P2], and relevant clauses contained within a lease agreement (or revocable permit). The tenants are inspected and evaluated based on risk ranking criteria discussed in *Section 4.3 – Risk Ranking Criteria*. Information obtained through inspection is recorded in the database. The frequency of routine tenant inspections is based on the risk ranking designation of each tenant.

Tenants with a "High Risk" designation are inspected every six months, tenants with a "Medium Risk" designation are inspected annually, and tenants with a "Low Risk" designation are inspected every five years. In the meantime, tenants with a "Low Risk" designation are subject to an annual reconnaissance inspection as described in Section 2.2.3.

Updated risk rankings for the tenants are maintained in the database (i.e. *Harbors_Tenants.mdb*) by Harbors Engineering Branch Environmental Section. The database will be updated using the information gathered on a regular basis (e.g., monthly). Some tenants may have more than one facility. It is possible that each of their facilities is on a separate inspection schedule based on their physical locations, drainage area, and risk ranking.

If a potential violation is observed during the inspection, the inspector is to issue a verbal warning on the spot and record the warning as part of the inspection report. A copy of inspection report will be provided to the tenant upon completion. If necessary, a follow-up inspection will be conducted.

If a violation is observed during the inspection, it will be addressed according with the steps described in *Section 5.0 – Enforcement*, and the inspection report will be completed within 20 days.

### *2.2.3 Reconnaissance Inspections for "Low Risk" Tenants*

Tenants with "Low" risk ranking designations are subject to annual reconnaissance inspections.

Reconnaissance inspections are conducted to ensure that tenants have not changed his/her activities or operations such that a new risk assessment is warranted. This type of inspection includes driving a state-marked vehicle to observe low-risk rank tenants based on their previous year's evaluation. *Low-Risk Tenant Reconnaissance Inspection Form* (enclosed in Attachment 6) will be utilized as a primary tool.

If a reconnaissance inspection identifies a substantive change to a facility's operation, size or activities, HDOT-Harbors shall conduct an inspection within 30 days of the reconnaissance inspection to determine if the facility's risk ranking needs to change.

If a violation is observed during the inspection, it will be addressed according with the steps described in *Section 5.0 – Enforcement*, and the inspection report will be completed within 20 days.

### *2.2.4 Final Site Inspection*

Final inspections are necessary to identify potential environmental issues needing resolution prior to lease termination. This type of inspection will use *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (enclosed in Attachment 4) as a primary tool. Tenants with environmental assets such as fuel tanks, maintenance areas, or hazardous materials and/or waste storage activities pose a potential risk to the environment and public, which subsequently place Harbors as the landowner in a vulnerable position. Prior to terminating leases (or revocable permits) for these tenants, past inspection records shall be reviewed.

Examples of potential environmental issues include environmental site assessments related to Underground Storage Tank [UST] closure, disposal of solid and hazardous wastes, and removal of contaminated oil. In addition, tenants can be required to conduct appropriate environmental investigations, assessments, and remediation to ascertain the presence and extent of environmental contamination resulting from their operations.

If a violation is observed during the inspection, it will be addressed according with the steps described in *Section 5.0 – Enforcement*, and the inspection report will be completed within 20 days.

### *2.2.5 Investigation Inspection*

Whenever a pollution complaint or suspected illicit discharge regarding a tenant is observed and/or reported to Harbors, a formal investigation inspection, if necessary, will be started by the next working day. The investigation will be documented using *Stormwater Hotline Occurrence Tracking [SHOT] Form* (enclosed in Attachment 5) by Harbors Environmental Section within seven days after the inspection, when necessary. The inspector is to verify whether or not an illicit discharge has occurred. If one has occurred, the source of the pollutants is to be identified and, as applicable, a verbal and/or written warning (e.g., *Notice of Apparent Violation*) is issued

to the violator. The illicit discharge must be eliminated and follow-up inspections shall be conducted as necessary.

If a violation is observed during the inspection, it will be addressed according with the steps described in *Section 5.0 – Enforcement*. Written investigation records will be kept as part of the environmental compliance program. If the source is traced to a tenant, the tenant's risk ranking will be re-evaluated.

### *2.2.6 Follow-up Inspection*

When an illicit discharge or (potential) violation from a tenant facility or activity is discovered, a follow-up inspection will be conducted according to the requirements outlined in the enforcement letter issued to the responsible party and their response (e.g., within 30 calendar days of issuing a *Tenant Inspection Report* or enforcement letter) to ensure that proper corrective actions are taken. This type of inspection will be conducted utilizing the applicable sections of the *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (enclosed in Attachment 4).

A follow-up inspection report will be completed within 20 days after the inspection. Uncorrected violations identified in the inspection will be addressed according to the steps described in *Section 5.0 – Enforcement*.

## 3.0 TRAINING

Inspector, tenant, and employee training are designed to ensure that stormwater pollution prevention requirements and responsibilities are clearly shared and understood by all personnel responsible for preventing stormwater pollution at Harbors.

### 3.1 Harbors Inspector Training

All inspectors responsible for TIM implementation must read and be familiar with this manual. In addition, new inspectors are required to complete no less than 24 hours on-the-job training with experienced inspectors. During the inspections, the new inspectors will observe how the experienced inspectors conduct tenant inspections as well as conduct their own inspections with assistance from the experienced ones. New inspectors will continue to have frequent interactions with the experienced inspectors to discuss inspection issues as they arise. See Attachment 10 for training materials for the Inspector.

### 3.2 Harbors Tenant Training

*Tenant Annual Storm Water Pollution Prevention Awareness Training* will be provided to Harbors tenants. This annual training will discuss issues related to stormwater pollution awareness including regulatory background, NPDES program requirements, general permit allowable discharges, illicit discharge detection and elimination program, construction site run-off control, post construction run-off control, stormwater drainage system protection, fueling activities, waste management, spill prevention and response, recommended best management practices, common sources of stormwater pollution, common operations causing potential illicit discharges, low-impact development, pollution prevention and good housekeeping, tenant inspections, enforcement response program, and other environmental compliance measures applicable to Harbors.

New tenants will be provided with a *New Tenant Information Package* (enclosed in Attachment 11) along with their lease agreement and/or revocable permit so that they are aware of the environmental requirements and responsibilities prior to their tenancy with Harbors. The *New Tenant Information Package* will include educational materials describing the responsibilities of the tenant and resources for obtaining additional information regarding stormwater pollution (e.g., stormwater awareness message, information on pollution prevention and good housekeeping, etc.). This package ensures that new tenants are aware of the stormwater requirements in the tenant lease agreements and/or revocable permit, apply appropriate BMPs based on activities to be conducted on the premises, and understand how to identify and report illicit discharges.

Harbors will provide a questionnaire annually to all tenants to assess their knowledge regarding stormwater awareness and pollution prevention. Additionally, Harbors will provide tenants educational materials, at least twice per calendar year, to educate them on stormwater

awareness issues and terms and conditions of their lease or revocable permit, tariff and/or wharfage provisions related to stormwater management.

## 4.0 FIELD IMPLEMENTATION

Harbors Environmental Section will be responsible for overseeing, implementing, and updating the TIM. Status, results and summaries from the TIM will be reported annually in the ACR.

### 4.1 Inspection Basics

TIM inspections are scheduled with tenant representatives prior to the inspection date. The inspections cover the general areas of interest encompassed by the first three pages of the *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (enclosed in Attachment 4). Inspectors responsible for TIM implementation are to be trained in accordance with Section 3 of this manual. Inspectors must consider allowable non-stormwater discharges, prohibited stormwater discharges, all risk ranking categories and implementation of stormwater BMPs. TIM inspection reports will be drafted within 30 days of the tenant inspection and finalized within 30 days.

### 4.2 Allowable non-Stormwater Discharges

The overall inspection objective of this Tenant Inspection Program is elimination of illicit and polluted discharges to the stormwater drainage system and State waters. However, certain non-stormwater discharges are permitted by regulations. The following non-stormwater discharges may be discharged into Harbors stormwater drainage system, provided that such discharges do not contain pollutants in amounts that will cause or contribute to a violation of an applicable water quality standard.

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources and foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps and footing drains;
- Lawn watering runoff;
- Water from individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Residual street wash water;
- Discharges or flows from fire fighting activities.

The risk ranking is determined based on the information obtained through existing facility inventories as well as knowledge from previous tenant inspections. The risk ranking determinations are compiled into Table *Harbors Tenant Inspection Tracking List* contained in the database (i.e., *Harbors_Tenants.mdb*).

## 4.3 Risk Ranking Criteria

Harbors tenant facilities will be ranked as high, medium or low as determined by a cumulative score of the 14 individual risk criteria listed in this section. Harbors Environmental Section will assign individual risk scores for each of the 14 risk criteria based on visual observation, activity evaluation, discharge potential to Harbors storm drain system and nation's waters nearby, and applicability of necessary BMPs. Based on the observations and activity evaluation, Environmental Section will assign an evaluation score from zero to five in each category with the exception of one category (related to training attendance records) which ranges from negative two to four. Certain individual criteria include a trigger for automatic designation of high risk ranking, regardless of the cumulative score. Description of each risk criteria is discussed in this section. Risk rankings are defined as follows:

- **Low**: Score of 5 or less (inspected every five years and subject to annual reconnaissance inspection)
- **Medium**: Score from 6 through 16 (inspected annually)
- **High**: Score more than 16 or a 5 in certain individual criteria (inspected semiannually)

Subsequent confirmation or reclassification of the risk ranking will be conducted as part of the routine and reconnaissance inspections. Following inspections, Harbors environmental inspectors will re-evaluate each tenant based on the ranking criteria, determine if the current risk ranking classification is adequate, and make changes if warranted.

### *4.3.1 Vessel Maintenance and Repair (VM)*

Tenant facilities are ranked based on the vessel maintenance and repair activities. Vessel maintenance and repair activities include parts replacement, washing, removing and/or replacement of fluids and greases, dismantling, sandblasting, sanding, and painting.

0 Neither maintenance nor repair activities are conducted on-site.

1 Maintenance and repair activities on any size vessel are conducted entirely indoors (with proper dust control BMPs), with no or minimal potential for discharge of pollutants.

2 Minor maintenance and repair for small vessels is conducted (with proper dust control BMPs) with minimal potential for discharge of pollutants.

3 Maintenance activities on large vessels are conducted outdoors and out of the water (with proper dust control BMPs), with minimal potential for discharge of pollutants.

4 Major maintenance and repair activities on any size vessel are conducted in a partially confined or unconfined area with moderate potential for discharge of pollutants.

5 Maintenance and repair activities on any size vessel are conducted in an unconfined area or in an area with significant potential for discharge of pollutants (e.g., within 50 feet of nearest storm drain inlet or surface water).
(Automatic trigger to high risk designation)

### *4.3.2 Vessel Fueling (VF)*

Tenant facilities are ranked based upon the type and method of vessel fueling. Vessel fueling includes transferring fuel between vessels as well as transferring fuel from a mobile fuel truck or a stationary aboveground storage tank to a vessel through hoses.

0 No fuel transfer activities are conducted on-site.

1 Fueling of small vessel is conducted by a fueling company with proper spill containment and diversion.

2 Fueling of small vessels are conducted with spill containment and diversion.

3 Fueling of large vessels are conducted in designated area with spill containment and diversion.

4 Fueling of small vessels are conducted in areas WITHOUT spill containment and diversion.

5 Fueling of large vessels are conducted in areas WITHOUT spill containment or diversion. (***Automatic trigger to high risk designation***)

### *4.3.3 Vessel Rinsing (VR)*

Tenant facilities are ranked based upon vessel rinsing activities. Vessel rinsing activities include the removal of salt, sediment, and sea life from the exterior of a vessel using water, detergent, and/or mechanical devices. Harbors permits vessel rinsing without any necessary containment, ONLY for the removal of salt from the exterior of the vessel using fresh water with low power (<100 pound-force per square inch [psi]). Other rinsing activities must be properly contained, and the rinse water must be properly disposed of in a shore-based sanitary sewer.

0 No vessel rinsing is conducted on-site.

1 Vessel rinsing is conducted in an area designed to contain wash water and debris, with no or minimal potential discharge of pollutants.

2 Vessel rinsing is conducted in an uncontained area with no direct connection to Harbors storm drainage system, with a minimal potential for discharge of pollutants.

3 Vessel rinsing is conducted in an uncontained area with no direct connection to Harbors storm drainage system, but having a moderate potential for discharge of pollutants.

4 Vessel rinsing is conducted in an uncontained area directly connected to Harbors storm drainage system, and has a moderate potential for discharge of pollutants.

5 Vessel rinsing is conducted in an uncontained area directly connected to Harbors storm drainage system and has a significant potential for discharge of pollutants. (***Automatic trigger to high risk designation***)

### *4.3.4 Equipment and/or Vehicle Maintenance and Repair (EM)*

Tenant facilities are ranked based on equipment and/or vehicle maintenance and repair activities. Vehicle and/or equipment maintenance and repairs include activities including, but not limited to, parts replacement, parts washing, removal and/or replacement of fluids or greases, dismantling, sandblasting, sanding, and painting.

0 No equipment/vehicle maintenance and/or repair activities are conducted on-site.

1 Maintenance/repair activities are conducted entirely indoors, on a small scale, with minimal potential for discharge of pollutants.

2 Maintenance/repair activities are conducted entirely indoors, on a large scale, with minimal potential for discharge of pollutants.

3 Maintenance/repair activities are conducted in a covered area with minimal to moderate potential for discharge of pollutants.

4 Maintenance/repair activities are conducted outdoors within containment or in an area with moderate potential for discharge of pollutants.

5 Maintenance/repair activities are conducted outdoors or in an area with significant potential for discharge of pollutants. (***Automatic trigger to high risk designation***)

### *4.3.5 Equipment and/or Vehicle Fueling (EF)*

Tenant facilities are ranked based on the amount of fueling and the containment and/or diversion structures available. Fueling refers to the fuel dispensing from a tank truck, aboveground storage tank [AST], UST, or portable container to equipment and vehicles, or the fueling from an AST loading rack. Small scale fueling is limited to less than 25 gallons per fueling).

0 No equipment/vehicle fueling activities are conducted on-site.

1 Equipment/vehicle fueling is conducted by a fueling company with spill containment and diversion.

2 Equipment/vehicle fueling is conducted on a small scale (i.e., less than 25 gallons per fueling) in areas with spill containment and diversion.

3 Equipment/vehicle fueling is conducted on a large scale in areas with spill containment and diversion.

4 Equipment/vehicle fueling is conducted on a small scale WITHOUT spill containment and diversion, but not in areas adjacent to Harbors storm drainage system and nation's water.

5 Equipment and/or vehicle fueling is conducted on a large scale in areas WITHOUT spill containment and diversion, or on any scale in areas adjacent to Harbors storm drainage system and nation's waters WITHOUT spill containment and diversion. (***Automatic trigger to high risk designation***)

### *4.3.6 Equipment and/or Vehicle Washing (EW)*

Tenant facilities are ranked based on the methods used for equipment and/or vehicle washing. All washing activities must obtain consent from the Harbors and take place in approved and designated areas. This category includes the water washing of ground service equipment, maintenance equipment, company vehicles, and rental cars.

0 No equipment/vehicle washing is conducted on-site.

1 Equipment/vehicle washing is consented by the Harbors and conducted in a covered wash area following an approved method, with no or minimal potential discharge of pollutants.

2 Equipment/vehicle washing is consented by the Harbors and conducted in an

uncovered wash area following an approved method, with minimal potential discharge of pollutants.

3 Equipment/vehicle washing is consented by the Harbors and conducted in an uncovered wash area following an approved method, with moderate potential discharge of pollutants (e.g., adjacent to Harbors storm drainage system or nation's water).

4 Equipment/vehicle washing is contained and in an area with no direct connection to Harbors storm drainage system and nation's water, but conducted WITHOUT Harbors consent.

5 Equipment/vehicle washing is not contained, conducted WITHOUT Harbors consent, or in an area that directly discharges to Harbors storm drainage system and nation's waters. (***Automatic trigger to high risk designation***)

### *4.3.7 Aboveground Oil Storage (size of container ≥ 55 gallons ONLY) (OS)*

According to 40 CFR 112, oil is defined as "oil of any kind of in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oil, including oils from seeds, nuts, fruits, or kernels; and other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil." These oils are commonly stored in ASTs and 55-gallon drums. Oil stored in containers with capacity less than 55 gallons are evaluated under Section 3.2.8 – Container Storage. Note that tenants shall not install an AST without first obtaining a written consent from the Harbors.

The term "properly stored" indicates that ASTs and drums meet the SPCC requirements for secondary containment, including: containers are clearly labeled; container material and construction are compatible with the stored material; secondary containment is sufficient to contain the entire capacity of the largest single container plus sufficient freeboard to contain precipitation; the bypass valve is sealed and retained stormwater is properly managed; container integrity is appropriately tested; and drums are in good condition, neatly organized, and sealed when not in use.

Tenant facilities are ranked based on the oil storage protocols employed at the facilities.

0 No oil product is stored on-site.

1 Less than 1,320 gallons of oil is properly stored in a covered area and has no or minimal potential for discharge of pollutants.

2 Less than 1,320 gallons of oil is properly stored in an uncovered area and has minimal potential for discharge of pollutants.

3 More than 1,320 gallons of oil is properly stored with minimal potential for discharge of pollutants, and the facility has an SPCC Plan.

4 More than 1,320 gallons of oil is properly stored with minimal to moderate potential for discharge of pollutants, but the facility does not have a SPCC Plan.

5 Oil is improperly stored and/or managed and has a significant potential for discharge of pollutants. (***Automatic trigger to high risk designation***)

### *4.3.8 Container Storage (size of container < 55 gallons ONLY) (CS)*

Tenant facilities are ranked based on the container storage methods employed and the toxicity of materials stored. This category includes materials such as chemical products, new oil, and used oil stored in containers with capacity less than 55-gallon.

Storage methods are evaluated to ensure that materials are properly stored and managed. The term "properly stored" indicates that containers are correctly labeled, not passed their expiration date, in good condition, sealed when not in use, neatly organized, and compatible with other materials stored in the same area.

0 No containers are stored on-site.

1 All containers are properly managed and stored entirely indoors and have no or minimal potential for discharge of pollutants.

2 All containers are properly managed and stored under the cover, and have minimal potential for discharge of pollutants.

3 Containers are properly managed and stored outdoors with minimal potential for discharge of pollutants (e.g., distance from site to the nearest storm drain inlet or surface water is greater than 100 feet or 30 meters).

4 Containers are improperly managed but stored indoors or under the cover with moderate potential for discharge of pollutants.

5 Containers are improperly managed and stored outdoors with significant potential for discharge of pollutants. (***Automatic trigger to high risk designation***)

### *4.3.9 Waste Handling and Disposal (excluding Used Oil) (WH)*

Tenant facilities are ranked based on municipal, solid, or hazardous waste handling and

disposal. Waste handling may include making a hazardous waste determination and proper management. If the waste is characterized as a hazardous waste, the accumulation start date shall be added to the labeling. Additionally, the facility shall ensure that the waste is properly disposed of within the regulated accumulation time, which depends upon the facility waste classification detailed in 40 CFR 262.

0 No waste is stored on-site.

1 All wastes are non-hazardous and stored indoors or outdoors in covered areas, and have no or minimal potential for discharge of pollutants.

2 All wastes are non-hazardous and stored outdoors uncovered, and have moderate potential for discharge of pollutants.

3 Hazardous wastes are generated and tenant is classified as a CESQG[1]. Hazardous wastes are properly managed, stored, and disposed of. Storage areas have no or minimal potential for discharge of pollutants.
[1] Please refer to Attachment 9 (3. Waste Management Regulations, Item B).

4 Hazardous wastes are generated and the tenant is classified as a SQG[2] or LQG[3]. Hazardous wastes are properly managed, stored and/or disposed of. Storage areas have no or minimal potential for discharge of pollutants.
[2] Please refer to Attachment 9 (3. Waste Management Regulations, Item B).
[3] Please refer to Attachment 9 (3. Waste Management Regulations, Item B).

5 Hazardous wastes are generated and the tenant is classified as a CESQG, SQG, or LQG. Hazardous wastes are improperly managed, stored, and/or disposed of. Storage areas have significant potential for discharge of pollutants. (***Automatic trigger to high risk designation***)

### *4.3.10 Spill History (SH)*

Tenant facilities are ranked based on past oil and/or chemical spills at their facilities and/or inspection and investigation report.

0 No history of oil/chemical spills on-site.

1 One to three oil/chemical spills in minimal quantity (e.g., less than five gallons for oil) in the past three years.

2 One to three oil/chemical spills in moderate quantity (e.g., oil spill greater than 5 gallons but less than 25 gallons; for all other chemicals please refer to 40 CFR 302.4) in the past three years.

3 One to three oil/chemical spills greater than the reportable quantity (see 40 CFR 302.4) in the past three years and spill kit is onsite.

4 One to three oil/chemical spills greater than the reportable quantity (see 40 CFR 302.4) in the past three years and no spill kit is onsite.

5 More than two oil/chemical spills entered into Harbors storm drainage system. Or more than five oil/chemical spills of any quantity in one calendar year. (***Automatic trigger to high risk designation***)

### *4.3.11 Enforcement History (EH)*

Tenants are ranked based on the history of past compliance with environmental regulations (including federal, state, and local), and the corresponding response actions taken by the tenant following a Notice of Apparent Violation [NAV], any verbal warning, or inspection. Class II enforcement actions include deficiencies and/or potential violations identified during any type of inspection (e.g., not following applicable BMPs during operations). Class I enforcement actions include violation of environmental law or regulations and HDOT Harbors rules that results in an NAV. A tenant is considered "taking corrective action immediately" to the warnings/violations, if responding to a Class II enforcement action within 20 days, or a Class I enforcement action within 14 days.

0 No verbal or written warnings were issued in the past two years.

1 Class II violations (such as verbal/written warnings and potential violations identified in an inspection report) were issued in the past one years and corrective actions were immediately taken by the tenant.

2 Class I violations (identified in an inspection report and/or documented in an NAV) were issued in the past two years and corrective actions were taken by the tenant.

3 Class II violations were issued in the past one years, but corrective actions were NOT immediately taken by the tenant.

4 Class I violations were issued in the past two years, but corrective actions were NOT immediately taken by the tenant.

5 Civil penalties or administrative actions were assessed for non-compliance in the past two years. (***Automatic trigger to high risk designation***)

### *4.3.12 Training Attendance History (TH)*

Tenants are ranked based on the past training attendance. Harbors requires tenants to reduce the discharge of pollutants to the MEP, and prohibit unauthorized non-stormwater discharges into Harbors stormwater drainage system and nation's waters. In order to achieve these goals, Harbors has been providing *Annual Storm Water Pollution Prevention Awareness Training* to the tenants, with the topics focusing on stormwater management, pollution prevention, good housekeeping, and commonly recommended BMPs. This annual awareness training is one of measures pertinent to public education and outreach program.

-2 The tenant has attended all annual trainings during its tenancy.

-1 The tenant has attended the most recent training.

2 The tenant has not attended the most recent training.

4 The tenant has never attended the training and has been found to be non-compliant.

### *4.3.13 Site Condition and General Housekeeping*

Tenants are ranked based on physical condition where on-site activities take place (i.e., indoors or outdoors), the general housekeeping condition, and implementation of BMPs to minimize the discharge of pollutants and to prevent soil and debris from entering Harbors stormwater conveyance system. The term "indoors" refers to operations situate, conduct, or carry out in the interior of a building or under cover.

0 All activities are conducted indoors and have no or minimal potential for discharge of pollutants. General housekeeping and grounds are in good condition.

1 All activities are conducted indoors and have minimal potential for discharge of pollutants. General housekeeping and grounds are in average or fair condition.

2 Activities are conducted indoors and outdoors, and general housekeeping and grounds are in good condition (e.g., sources of pollutants are properly managed).

3 Activities are conducted indoors and outdoors and have minimal to moderate potential for discharge of pollutants. General housekeeping and grounds are in fair and above average condition.

4 Activities are conducted outdoors and have moderate potential for discharge of pollutants. General housekeeping and grounds are in fair condition.

5 Activities are conducted outdoors and pose a significant threat to the environment. (***Automatic trigger to high risk designation***)

### *4.3.14 Lease Agreement and/or Revocable Permit Requirements (RP)*

Tenants are ranked based on the history of past compliance with lease agreement and/or revocable permit and the corresponding response actions taken by the tenant following an inspection, action letter, and verbal warning. Examples of the tenant *Lease Agreement* and *Revocable Permit* are included in Attachment 2. A tenant is considered "taking corrective action immediately" to the warnings/violations, if responding to a Class II enforcement action within 20 days, or a Class I enforcement action within 14 days.

Violations of any item below will ***automatically trigger a tenant to a high risk designation***, if described in tenant Lease Agreement and/or Revocable Permit.

- The tenant shall not use, store, treat, dispose, discharge, release, generate, create, or otherwise handle any hazardous substance, or allow the same by any third person, on the premises without first obtaining the written consent of Harbors.
- The tenant shall not conduct illegal activities at the premises.
- The tenant shall not conduct any act which results or may result in the creation, commission or maintenance of a nuisance on the premises.
- The tenant shall not conduct permanent lodging or sleeping quarters at the premises. However, a rest area for the comfort and convenience of employees during working hours is allowed.
- The tenant shall not install an UST/AST without first obtaining the written consent of Harbors.
- Except for materials that are lawfully sold in the ordinary course of the tenant's business and for which the tenant has obtained all required authorizations from appropriate authorities including the prior written permission of Harbors, the tenant shall cause any hazardous substances to be removed from the premises for disposal.
- The tenant shall maintain the premises in a strictly clean, neat, safe, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling and disposal of all trash, garbage and other refuse from the premises.
- The tenant shall not sell, transfer, assign, lease, mortgage, and sublease premises whatsoever.
- Consumption of any intoxicating beverage, unless under an operation licensed by appropriate government agencies, is not allowed in the premises.
- The tenant shall keep Harbors fully informed at all times regarding all environmental law related matters affecting the tenant or the premises.
- The tenant shall obtain an NPDES permit from HDOH, if applicable.

## 4.4 Routine Inspection Frequency Based on Risk Ranking

All tenants shall be inspected by the Environmental Section or its representative in accordance with this Section. The frequency of tenant inspections will be determined by tenant risk ranking designation of high, medium, or low threat. At a minimum, Harbors will inspect each tenant in each ranking class as follows:

- **Low** ranked tenants shall be inspected at least **once every five years and are subject to an annual reconnaissance inspection**.
- **Medium** ranked tenants shall be inspected **at least annually**; and
- **High** ranked tenants, shall be inspected **at least semiannually**;

## 4.5 Tenant Risk Ranking Re-evaluation

Tenant risk ranking is re-evaluated using tenant routine and reconnaissance inspection results as applicable. When a violation is observed or reported, and if the source is traced to a tenant, the tenant's risk ranking will be re-evaluated. Environmental Section will prepare an inspection schedule based on the results of the risk ranking re-evaluation. The inspection schedules is maintained and updated by Environmental Section in the database.

# 5.0 ENFORCEMENT

The primary objective of Harbors environmental enforcement program is to: a) ensure tenants comply with the environmental regulations, lease agreements, and/or revocable permits; b) correct any violation(s); and c) require tenants to operate their facilities in accordance with Harbors environmental policy and applicable BMPs.

## 5.1 Scope of Authority

The enforcement options available to Harbors range from administrative actions (including verbal/written warnings, eviction notices, and penalties) to the issuance of citations and a district court verdict of a misdemeanor or fine. Three general areas of the environmental enforcement are enclosed in Attachment 2 as following:

- HRS Title 15 Chapter 266 authorizes Harbors to issue citations and summons for violations of its rules and have its actions enforced through the district courts by verdict of a misdemeanor or fine.
- HAR Title 19 Chapters 41 to 44 establishes uniform safety measures, operational standards and requirements, and the conduct for all tenants at State of Hawaii harbors.
- The tenant lease agreement or revocable permit that provides Harbors with the right of entry to conduct inspection and authority to terminate the permit or lease.

For suspected illicit discharges and pollution concern, which need immediate response, the inspector will call the Harbors Traffic Control at (808) 587-2076 upon discovery. However, individual inspectors (such as Environmental Section personnel or their designees) may not have the authority to pursue all areas of enforcement and would follow ERP for appropriate actions (e.g., refer cases to the appropriate individuals or agencies when necessary).

There are two types of violations – Class I Violation and Class II Violation, which are based on potential to discharge or cause environmental harm, magnitude of the violation (e.g., failure to apply for Industrial General Permit Coverage), duration of the violation, and violator's compliance history.

- Class I Violations: violations which are related to submittal of permit applications, BMP failure due to lack of maintenance, ongoing or imminent discharges of pollutants, other activities capable of causing imminent impact to the environment, or where the violator has a previous history of non-compliance.
- Class II Violations: violations that pose no significant impact on the environment which are easily preventable, or administrative in nature. Class II violations include record keeping, reporting, BMP maintenance or installation problems, or other activities when there is ample time for correction prior to the discharge of pollutants, and where the violator has not had a previous history of non-compliance.

## 5.2 Enforcement Actions and Documentation

The levels of enforcement actions to be utilized by inspectors, in order of increasing severity, are as follows:

- Oral or Verbal Warning
- Written Warning (e.g., Tenant Inspection Report or Letter with Tenant Inspection Report)
- Notice of Apparent Violation [NAV]
- Issuance of Summons or Citation
- Notice and Finding of Violation Order ([NFVO], see ERP for detailed description)

The following sections contain brief descriptions of each level of enforcement action and procedures for implementation.

### *5.2.1 Oral or Verbal Warning*

An oral or verbal warning is a spoken reprimand or a disciplinary measure, which will be issued verbally to a tenant where the finding is a minor discrepancy with one or two BMPs. It could also serve the purpose of outreach to the tenants. In most cases, oral or verbal warnings provide a more efficient way for the tenant to take corrective actions. Usually, it is issued in combination with other enforcements. Conditions that warrant an oral or verbal warning may include, but not limited to, unpermitted vehicle washing, open garbage bin (partially or full of litter) observed, and a potential illegal dumping/discharge.

### *5.2.2 Written Warning*

A written warning will be issued to a tenant where the finding is limited to conditions that do not pose an imminent threat to the environment and/or the public. Conditions that warrant a written warning may include but not limited to:

- Improper storage of batteries
- Improper waste management
- Lack of or out-of-date spill plans
- Lack of good housekeeping
- Lack of proper labeling on drums
- Lack of placing drip pans or absorbent sheets beneath a vehicle

For any deficiency observed during an inspection, a recommended corrective action will be identified in the *Tenant Inspection Report*, which could be served as a written warning. A carbonless copy of the *Tenant Inspection Report* will be mailed/emailed to the tenant upon completion. This report could also be presented to the tenant during the inspection conference. If (potential) violation is observed during inspection, an enforcement letter combined with the *Tenant Inspection Report* will be mailed to the tenant with a compliance deadline (typically

within 20 calendar days). These documents will become a part of the permanent tenant file.

When necessary, a follow-up inspection will be conducted to verify that the infractions were corrected. If the tenant does not respond to the written warning by the deadline, the Environmental Section will issue an NAV and follow the steps described in the ERP for further enforcement (e.g., report the case to the State Attorney General). Meanwhile, a copy of the *Tenant Inspection Report*, together with the inspection checklist, would be forwarded to corresponding agencies and offices when necessary.

### *5.2.3 Notice of Apparent Violation*

An NAV letter will be issued to a tenant in the circumstance of a Class I or II violation. It is used to send a stronger message than a written warning. It documents Harbors efforts to have the tenant voluntarily come into compliance with the environmental laws and implementing applicable BMPs. It also serves as a basis for future penalties, should the occurrence of violations continue or even increase. The NAV shall be sent to the tenant by certified mail with a compliance deadline (typically within 20 calendar days), when necessary. The NAV will become part of the tenant's permanent file.

### *5.2.4 Issuance of Summons/Citation*

The issuance of the Summons/Citation by Harbors requires that the tenant appear before a District Judge to address the violation and corrective action. This action may lead to fines and/or a criminal penalty and is utilized in severe cases where negligent non-compliance is repeated and/or significant harm to property or environment has occurred. Situations which call for summons or citation will be referred to the appropriate State Attorney General Representative for implementation. Harbors and its designees will function as documentation and witness to actions requiring this level of response. Therefore, it is essential to accurately and thoroughly record actions that might escalate to this level.

### *5.2.5 Notice and Finding of Violation Order and Further Action*

A detailed discussion is included in ERP.

## 5.3 Description of Enforcement Steps

The goal of Harbors environmental enforcement program is to motivate tenants to voluntarily comply with their environmental obligations. The designated staff (e.g., Environmental Section staff, Harbors Polices, Marine Cargo Specialists, Property Management Section staff) at Harbors assist tenants, without being prescriptive, on how the tenant can achieve environmental compliance. Such assistance includes suggesting that the tenant consult a professional if needed. Tenant's risk ranking will be re-evaluated at least annually.

In the event that an enforcement action is required, the designated staff will identify the appropriate enforcement response to achieve compliance. If the tenant cannot achieve compliance by implementing the appropriate corrective action, the designated staff will "escalate" the enforcement response by issuing a more severe action. Harbors has developed a tiered approach of escalating enforcement actions based on the severity of the violation and the tenant's compliance response history. A description of the different levels of enforcement action is included in Section 5.2.

For potential violation observed during routine tenant inspection, the designated staff will record the potential violation, observed during routine tenant inspection, on Harbors revised *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants*. Potential violation, reported to the Environmental Section (e.g., using *Suspected Illicit Discharge Reporting Form*). These potential violations will be evaluated (through follow-up inspection if warranted) and classified as Class I or Class II violation, if applicable.

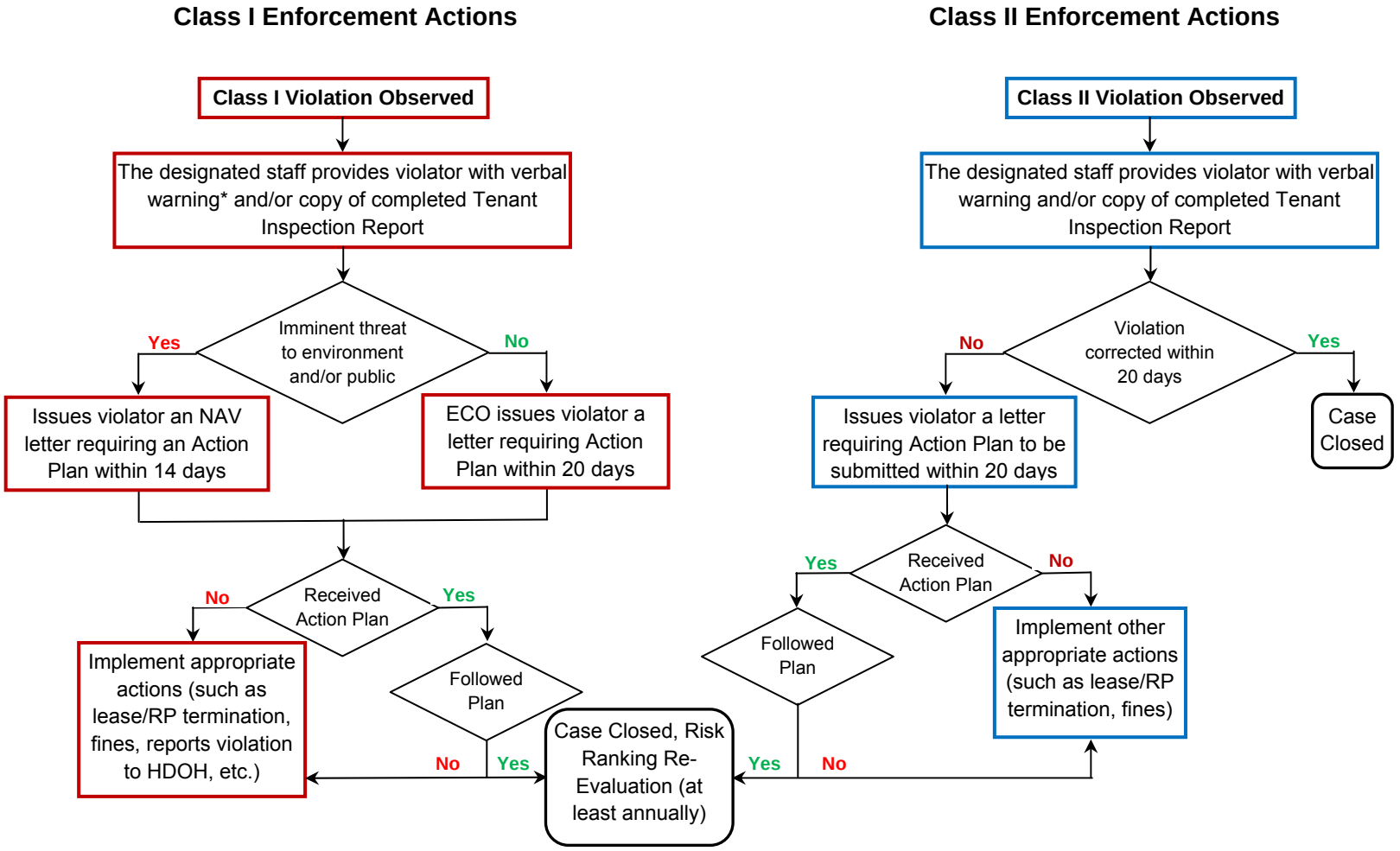
The following is a step-by-step progression of a general enforcement action if an NPDES violation or illicit discharge is alleged. The process is also depicted in Figure 5-1. The indicated timeframes may be amended through an extension granted by Harbors, if requested by the tenant. The enforcement actions proceed along two separate courses depending upon whether the violation is considered Class I or Class II violation. All noncompliance findings will be documented and kept on file by the Harbors Environmental Section.

- If the potential violation is considered Class II, the tenant will be issued with an oral or verbal warning and provided a copy of *Tenant Inspection Report* upon completion. The designated staff will re-inspect the tenant within 20 calendar days, if warranted, to ensure that the violation has been corrected.
    - o If the tenant fails to take corrective action, the designated staff will issue a written warning letter to the tenant, requiring an Action Plan within 20 calendar days upon receipt of the letter. The Action Plan shall denote the tasks that the tenant is required to complete to come into compliance within reasonable timeframe.
    - o If the tenant fails to take any corrective action and is not able to submit the Action Plan to the Harbors within 20 calendar days, other appropriate actions will be implemented (e.g., issuing fines, terminating the lease or revocable permit, etc.).

- If the potential violation is considered Class I but not posing imminent threat to the environment or the public, the designated staff will issue an oral or verbal warning to the tenant and then provide a written warning letter requiring corrective action or an Action Plan to be submitted within 20 calendar days upon receipt of the letter. The Action Plan shall denote the tasks that the tenant is required to complete to come into compliance within reasonable timeframe.
    - o If the tenant fails to take corrective action and is not able to provide an Action Plan within 20 calendar days, other appropriate actions will be implemented (e.g., issuing fines, terminating the lease or revocable permit, etc.).

- If the potential violation is considered Class I and poses an imminent threat to the environment or the public, the designated staff will provide an oral/verbal warning and direct the responsible party to stop the activity relating the imminent threat immediately. Additionally, the designated staff will draft a letter that will require the tenant to correct action or submit an Action Plan immediately to correct the violation within 14 calendar days upon receipt of the letter.
    - If the tenant fails to take any corrective action and is not able to submit an Action Plan within 14 calendar days, the violation will be escalated to appropriate agencies and offices in accordance with the ERP. In addition, the designated staff can also implement other appropriate actions such as termination of the lease or revocable permit.

## Figure 5-1 HDOT Harbors Tenant Enforcement Action Flow Chart




* If there is an imminent threat to the environment or public health, the designated staff will inform violator to cease activity related to imminent threat immediately.

## 6.0 REFERENCES


Airports 2011, NPDES Inspection and Enforcement Manual: State of Hawaii Department of Transportation, Airport Division, Version 5.0, June 2011.

Caltrans 2003, *Storm Water Management Enforcement Guidance Manual*: State of California Department of Transportation, Division of Construction, CTSW-RT-03-110.31.30-1, December 2003.

CCH 2011, *Storm Water Best Management Practice Manual for Construction*: State of Hawaii, City and County of Honolulu, Department of Environmental Services, November 2011.

CCH 2012, *Storm Water Management Program Plan*: State of Hawaii, City and County of Honolulu, Department of Environmental Services, June 22, 2012.

EPA 1989, *Guidance for Developing Control Authority Enforcement Response Plans*: Office of Water Enforcement and Permits. September 1989.

EPA 2000, *Stormwater Phase II Final Rule*: United States Environmental Protection Agency, EPA 833-F-00-001, Fact Sheet 1.0 (revised December 2005), January 2000.

Harbors 2009, *Inspection and Enforcement Manual:* State of Hawaii Department of Transportation, Harbors Division, November 2009.

Harbors 2013, Construction Site Runoff Control Program: State of Hawaii Department of Transportation, Harbors Division, December 2013.

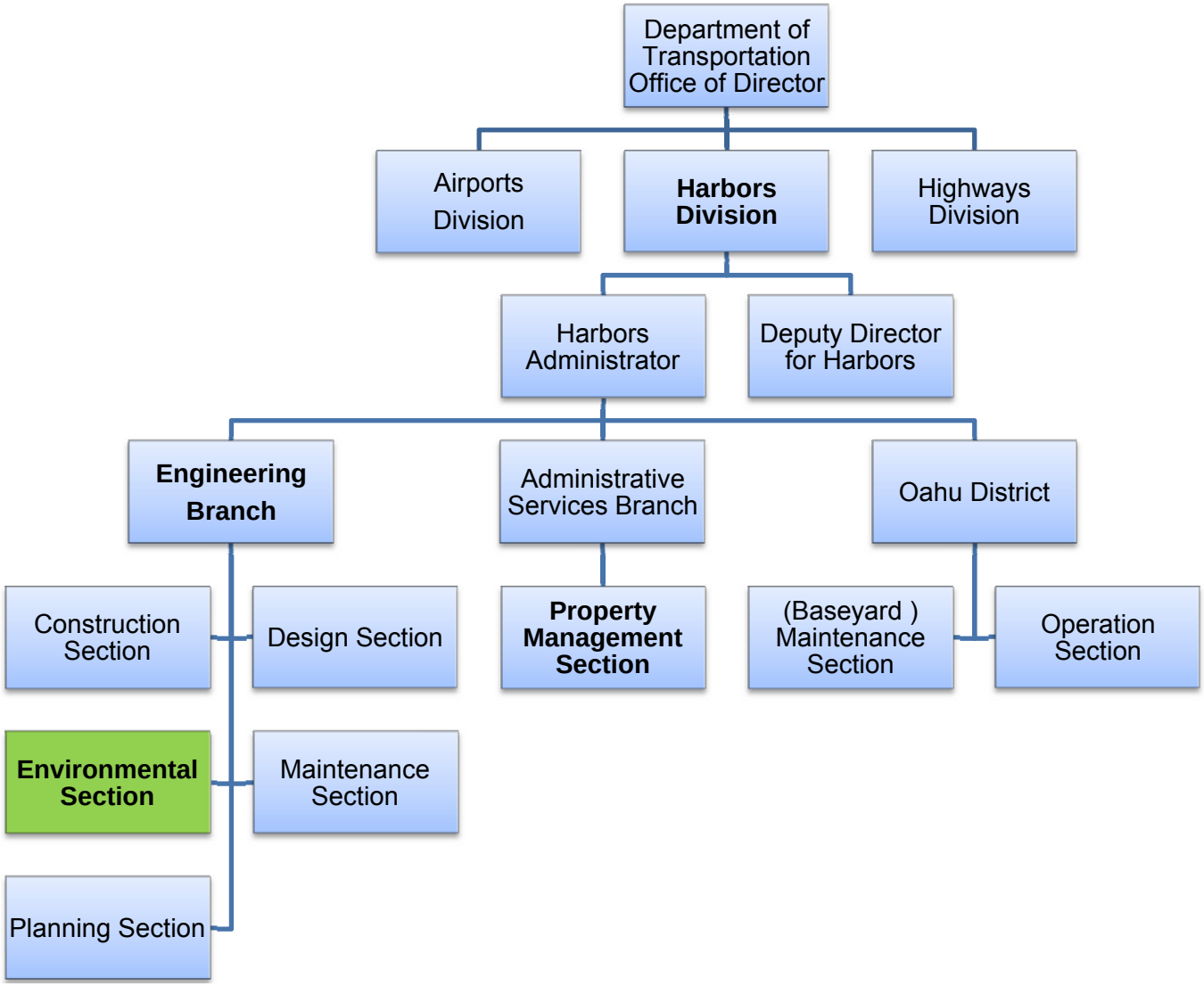
Harbors 2014, Enforcement Response Plan: State of Hawaii Department of Transportation, Harbors Division, January 2014.

NOAA 2005, *Managing Boat Wastes – A Guide for Hawaii Boaters:* National Oceanic and Atmospheric Administration, UH Sea Grant College Program and SOEST, Project #A/AS-1, under Institutional Grant No. NA050AR4171048, December 2005.

# Attachment 1

# HDOT Harbors Division Environmental Group Organizational Chart

# State of Hawaii Department of Transportation, Harbors Division
# Environmental Group Organizational Chart



# Attachment 2

# HDOT Harbors Rules and Regulations and Examples of Tenant Lease Agreement and Revocable Permit

## HARBORS RULES AND REGULATIONS FOR ENVIRONMENTAL COMPLIANCE

The Harbors environmental inspectors have been given enforcement actions that include verbal warnings, written citations, and potential tenant eviction.

***Hawaii Revised Statutes Title 15 Chapter 266***

**HRS 266-2** describes the powers and duties of the State of Hawaii Department of Transportation Harbors Division. **HRS 266-3** establishes the Director of Transportation authority to establish and enforce rules to control and manage all commercial harbors and roadsteads, all commercial harbor improvements, and all vessels and shipping within the commercial harbors and roadsteads. The Harbors then relies on **HRS 266-24**, which permits the Director of Transportation the authority to designate persons to enforce Chapter 266 and all rules and orders issued pursuant thereto and of all other laws of the state.

Such officers, employee's agents, and representatives of Harbors have police powers to serve and execute warrants and arrest offenders, and the power to serve notices and orders. When arresting or issuing a citation to a purported violator of any provision of Chapter 266, the Director of Transportation's designee, hereinafter referred to as "enforcement officer" can issue a summons or citation (similar to a traffic ticket) warning or directing the violator to appear and answer the charge before a district judge, or take the purported violator without delay before a district judge.

Penalties for violating the provision of Chapter 266 or rules or orders issued pursuant to Chapter 266 are issued by the district court and includes a finding or guilty or not guilty verdict of a misdemeanor and a fine. Fines arising from environmental protection violations include reimbursing the HDOT for the entire amount of the HDOH or EPA fine under HRS **§266-28** and can include an additional amount of not more than $10,000 for each day of violation under HRS **§266-25**.

***Hawaii Administrative Rules Title 19 Chapters 41 to 44***

HDOT adopted these chapters to regulate operations at the state harbors. **Chapter 42-126 and 42-127** specifically apply to environmental regulation. These rules require that no litter be left within a state harbor, except in properly marked bins. In addition, oil, oily refuse, sludge, chemicals, or other hydrocarbons should only be deposited in designated collection points. Specifically, Chapter 42-127 can be applied to activities such as maintenance or washing that has the potential to generate pollutants to be discharged into state waters. Below is an excerpt from Chapter 42-127:

> *"No person shall place, throw, deposit, or discharge, or cause to be placed, thrown, deposited, or discharged into the waters of any harbor, river or shore waters of the State any litter, or other gaseous, liquid or solid materials which render the water unsightly, noxious or otherwise unwholesome so as to be detrimental to the public health and welfare or a navigational hazard. No person shall discharge oil sludge, oil refuse, fuel oil*

*or molasses either directly or indirectly, or pump bilges or ballast tanks containing other than clean water into the waters of any harbor, river or into any shore waters in the State."*

In addition, Chapter 42 contains language on storage, usage, and/or handling requirements for hazardous materials or other regulated potential pollutants or hazardous substances. These chapters detail specific environmental practices where enforcement is implemented through arrest or citation and presented before the district judge. The major components of Chapter 42, related to enforcement, inspection, safety, cleanliness, use of facilities, and construction, are summarized below.

**Chapter 42-15** – Compliance with Federal, State, and County Laws, Ordinances and Rules

- Use of state harbors and harbors facilities is subject to compliance with all applicable federal, state, and county laws, ordinances, rules and regulations. Particular attention is directed to:
    - Rules of the United States Public Health Service and of the state department of health, relating to the use of rat guards and other measures to prevent rodents from leaving the vessel.
    - Rules of the state department of health pertaining to air and water pollution.
    - Rules of the fire department of each county.

**Chapter 42-16** – Citation for Violation

- Citations issued, pursuant to HRS 266-24.1, to a commercial firm for violation of this part may be issued to any agent, officer, or manager of the firm.

**Chapter 42-50** – <u>Inspection</u>

All small craft and smaller commercial vessels moored or berthed at a state-owned or controlled pier, wharf, quay, bulkhead, landing dolphin, anchorage, mooring, or other facilities located in the shore waters, navigable streams, harbors, ports, and roadsteads of the State shall be subject to inspection by the department or any peace officer of the State or its political subdivisions at any time where necessary and proper for the purpose of enforcing these rules.

**Chapter 42-52** - Small Craft and Smaller Commercial Vessel Repairs, Reconstruction or Major Modification

- Minor repairs to small craft and smaller commercial vessels may be made at the assigned berth and shall be completed within thirty days.
- If repairs are estimated to, or actually do, require that the vessel be out of service for more than thirty days, prior approval shall be sought from the department to initiate or complete the repairs in the harbor.
- Prior approval shall be sought from the department for any repairs requiring the use of cranes, lifts, and any similar devices within the harbor.
- Repair, reconstruction or major modification that would interfere with the free flow of other vessels, pedestrian, or vehicle traffic shall only be accomplished in an area

designated by the department. Failure to seek approval as required by this section shall be grounds for the revocation of the use permit.

**Chapter 42-103** Vessel Loaded with Explosives

- No vessel containing more than five hundred founds of Class A, one tone of Class B, and/or ten tons of Class C explosives (net explosive content) shall enter or be loaded in any harbor in the State except on prior written permission of the harbor master of the district concerned, or the director.
- No Class A explosives, as defined by the United States Coast Guard in its regulations in existence as of June 1, 1993, will be admitted in any harbor in quantities in excess of the limitations established by the USCG for the various harbors unless otherwise authorized by the director in writing. Other cargos may not be moved concurrently with Class A explosive cargo.

**Chapter 42-104** Handing of Explosives

- All handling and loading or unloading of explosives shall be done in a safe and careful manner and shall be accordance with the federal regulations pertinent thereto in force at the time. Explosives shall be off-loaded prior to the off-loading of any other cargo.

**Chapter 42-105** Hauling of Explosives

- All hauling of explosives away from or to the pier shall be done in a safe and careful manner and shall be in accordance with rules of the state department of labor and industrial relations.

**Chapter 42-106** – Containers for Flammable Liquids

- No empty containers which have been used to hold flammable liquids shall be delivered onto any wharf or structure under control of the department unless the same are securely closed with metal screw plugs.
- Any such containers shall be delivered onto a wharf or structure only at such times as a carrier is prepared to take immediately delivery.

**Chapter 42-107** – Nitrate of Soda, Nitrate of Ammonia, Sulfur, and Other Similar Materials

- No nitrate of soda, nitrate of ammonia, sulfur, or other similar material shall be stored or left upon any wharf for more than four hours unless packed in sound and non-leaking containers. Such material shall be under the continuous care of a competent guard satisfactory to the harbor master until removed.
- Masters, owners, or agents of vessels or consignees of cargoes of nitrate of soda, sulfur, or other similar materials during the process of loading, unloading, and removing such cargoes, must at all times keep the wharf swept clean and free of such materials.
- If loose nitrate of soda, sulfur, or other similar material is to be discharged onto or loaded from any wharf or structure at any harbor, it shall be placed directly into the carrier and immediately removed. A protective device approved by the harbor master shall be used

during the period of loading or unloading to prevent the material being handled from falling upon the wharf structure.

- During the process of handling nitrate of soda, sulfur, or other similar material on any wharf at any harbor under control of the department, it shall be obligatory on the part of the master, owners, or agents of a vessel to provide containers of not less than 50 gallons capacity filled with a solution of nitrate of soda and water at distances of not more than 50 feet apart, with suitable buckets placed alongside each container, for the purpose of fighting any fire which may occur in such cargo.

**Chapter 42-108** – Dangerous Acids; Electric Storage Batteries

- Acids of a dangerous character such as sulfuric, muriatic, and nitric acids shall be removed from the wharf immediately upon discharge from any vessel and no such acid shall be put upon a wharf under control of the department for shipment until the carrier is ready to receive it. Prior permission of the harbor master shall be secured in the event it becomes necessary to handle such cargo at other times.
- Electric storage batteries containing electrolyte or corrosive battery fluid of non-spillable type, protected against short circuits and completely and securely boxed, shall be exempt from this provision.

**Chapter 42-109** – Flammable Substances; Leaky Containers

- No gasoline, distillate, kerosene, benzene, naphtha, turpentine, paints, oils, or other flammable substances in leaky containers shall be delivered onto any wharf under control of the department for shipment.
- All such substances unloaded from any vessel in leaky containers shall be removed immediately.

**Chapter 42-110** – Heating Combustibles on Vessels

- No combustible material such as pitch, tar resin, or oil shall be flame heated on board any vessel within the harbors or streams of the State without the permission of a harbor master.

**Chapter 42-111** – Fumigation of Vessel

- No vessel shall be fumigated or smoked at any wharf under control of the department without the prior permission in writing from the director, the chief, or the harbor master.
- If fumigation is to be with cyanogen products or hydrocyanic acid gas in any form, however generated, the applicant or applicant's agent shall be in possession of a permit as required by HDOH rules and shall have a guard on duty so long as any danger exists, in order that no one, unless properly entitled to do so, be allowed to board such vessel.

**Chapter 42-112** – Use of Fuel Burning Steam Generating Appliances

- All fuel burning steam generating appliances when used on any wharf under control of the department or on any scow, pile driver, or other vessel working alongside or near

any wharf under control of the department shall be equipped with spark arresters satisfactory to the harbor master.

- At the close of each day's work, all ashes, cinders, waste, or other deposits caused by such appliances upon any wharf shall be promptly removed and shall not be disposed of in or upon any waters of the harbor.

**Chapter 42-113** – Repair, Manufacturing, Construction, or Maintenance Work on Wharf

- No person shall make any repair or do any kind of manufacturing, construction, or maintenance work on any wharf without the permission of the harbor master.

**Chapter 42-114** – Smoking Prohibited

- Smoking is positively prohibited at all times within any cargo shed, or upon any wharf apron, and during the time cargo is being loaded, unloaded, or stored on any unshedded pier under control of the department, and no person shall enter into, stand in, or under, or pass through any such wharf or structure with a lighted pipe, cigar, cigarette, match, fire, or any flame of whatever nature, excepting only within those areas designated by the harbor master and plainly marked "Smoking Area."
- No smoking or lighting of a match or any other fire-creating device shall be permitted within 50 feet of any fueling operation.

**Chapter 42-115** – Use of Explosives

- The use of explosives on land, on any wharf, or in a shed or other structure under control of the department, or in the water in the immediate vicinity of the same, without the written approval of the harbor master is strictly prohibited.

**Chapter 42-116** – Keeping Wharf in Sanitary Condition and Clear of Fire Hazard

- Vessel owners, charterers, agents, or private terminal operators utilizing wharves and sheds under the control of the department for the handling of merchandise shall keep such wharves and sheds in a clean and sanitary condition, clear of materials which create a fire hazard and shall ensure that passageways and established fire lanes are not obstructed.

**Chapter 42-117** – Standards of Cleanliness

- All vessels moored at a state-owned mooring or berthing facility shall be kept, at all times, in a condition of reasonable cleanliness and sanitation so as not to constitute a common nuisance or potential source of danger to public health.

**Chapter 42-118** – Charges for Cleaning Wharves

- In cases where the department takes over the cleaning of wharves the charge therefore shall be assessed against the vessel which is responsible for the necessary of cleaning.

**Chapter 42-119** – Identification of Mobile Equipment

- All mobile equipment used on any property under the control of the department in connection with the handling of cargo or shipping containers, such as folk lifts, cranes, tractors, and straddle trucks, shall be clearly identified as to the owner thereof.

**Chapter 42-121** – Fowl, Animal, or Livestock

- No fowl, animal, or livestock of any kind shall be allowed to remain on any wharf under control of the department for a period longer than six hours without being properly fed and watered. After any fowl, animal, or livestock unloaded on a state wharf, it shall be removed from the same wharf within twenty-four hours.
- No shipment of such fowl, animal, or livestock subject to quarantine shall be unloaded on a state wharf by any shipping company or its agents unless first passed by the state department of agriculture or unless arrangement have been made of acceptance of quarantine. All such fowl, animal, or livestock requiring quarantine shall be removed from the wharf within eighteen hours.
- All expenses incurred in the care and maintenance of such fowl, animal, or livestock while on a state wharf shall be paid by the consignee thereof and shall constitute a lien upon the same until such charges are paid.

**Chapter 42-122** – Private Use of State Harbor Property or Facilities; Business Activities; Signs

- No regular or extensive use of any state harbor property or facility for private gain or purpose shall be permitted without corresponding and reasonable benefits and returns to the public.
- No person shall engage in any business or commercial activity at any state harbor without the prior written approval of the department. Without limiting its generality, the term “engage in any business or commercial activity” as used in this section includes (1) solicitation, and (2) distribution of advertisement or circulars, intended for private gain or purpose.
- No person shall post or display any signs at any state harbor without the prior written approval of the department, except that approval will not be required for the posting or displaying of any sign on a vessel which relates solely to the sale of such vessel if the maximum dimension of such sign does not exceed three feet.

**Chapter 42-123** – Placement of Goods and Equipment

- Any person handling goods or using equipment on a wharf or within a shed under control of the department or bringing goods whereon or therein for shipment, shall place, store, or stack such goods or equipment in such a way as not to be an impediment to the approaches to same nor an obstacle to the removal of other goods, not to cause damage to the shed or wharf.
- No goods shall be so placed as to restrict or prevent the use of mooring bitts, cleats, or any other device used for mooring purposes.
- No goods shall be so placed as to restrict or prevent the use of tracks, water connections, fire hydrants, gutters, liquid connections or drains, telephone or electric connections.

**Chapter 42-124** – Closing of Wharves for Safety Reasons

- The harbor master may close the wharves or any portion thereof and regulate and control the use of the same whenever in the harbor master's opinion it is advisable to do so for reasons of safety, fire prevention, or probable interference with cargo handling or vessel operations.
- No person shall enter upon any wharf so closed without the permission of the harbor master.

**Chapter 42-125** – Liability for Damage to or Loss of Merchandise and Cargo

- The department shall not be liable for any damage to or loss of merchandise or other property on any wharf under its control.
- It shall be the responsibility of shipping concerns or their agents to exert every effort to protect cargo from the effect of weather conditions while same is stored on state wharves. This responsibility shall include the proper closing of all openings such as outside doors and windows, and the placing of cargo on pallets or dunnage so that it will not be damaged by moisture from the shed floors. Unless the above precautions are taken and unless carelessness on the part of department employees can be shown, no claim for damaged cargo due to inclement weather shall be considered.

**Chapter 42-126** – Littering or Polluting Land Areas Prohibited

- No person shall throw, place, leave, deposit, abandon, or cause or permit to be thrown, placed, left, deposited or abandoned any litter within a state harbor, except in receptacles designated by the department for the disposal of such materials. "Litter" as used in this section includes any and all types of debris and substances, whether liquid or solid, and materials such as garbage, refuse, rubbish, glass, cans, bottles, paper, wrappings, fish or animal carcasses or any other substances which render harbor lands or facilities unsightly, noxious or otherwise unwholesome to the detriment of the public health and welfare and effective and safe operation of the harbor.
- No person shall deposit oil, oily refuse, sludge, chemicals, or other hydrocarbons on state property except in specially designated collection points. These items may not be left in or near standard refuse containers or anywhere else on harbors property. Penalties, including but not limited to the revocation of mooring permits and the right to use the facilities, may be invoked.

**Chapter 42-127** – Littering or Polluting of Water Prohibited

- No person shall place, throw, deposit, or discharge, or cause to be place, thrown, deposited, or discharges into the waters of any harbor, river or shore waters of the State any litter, or other gaseous, liquid or solid materials which render the water unsightly, noxious or otherwise unwholesome so as to be detrimental to the public health and welfare or a navigational hazard.

- No person shall discharge oil sludge, oil refuse, fuel oil, or molasses either directly or indirectly, or pump bilges or ballast tanks containing other than clean water into the waters of any harbor, river or into any shore waters in the State.

**Chapter 42-128** – Disposal of Salvage of Derelict Craft

- When any owner, agent, or individual contemplates or plans the disposal or salvage of a derelict craft, vessel or other object of any size, type or description, by transporting across, within or on navigable waters, whether a part or whole craft or whether a floating or suspended object of any sort which might, if sunk, lost or abandoned in the harbors, channels or shore waters, become a hazard to navigation, to dredging or to other operation of state or federal government, or the public in those waters, that person shall obtain the written permission of the harbor master before taking such action.

**Chapter 42-129** – Duty of Persons Who Lose, Drop, or Abandon Any Floating or Sinking Object

- Should any owner, operator, charter, agent, or individual, without permission of the harbor master, lose, sink, drop, or abandon any floating or sinking object in or on the navigable waters and shore waters of the State, that person shall immediately notify the harbor master and shall immediately take such action as is necessary for removal of the object.
- Upon failure on the part of the owner, operator, charterer, agent or individual to remove such object the department will take such actions through federal or commercial channels as are necessary for such removal and will charge all costs incurred by the department in effecting the necessary removal to the owner. The harbor master may require the posting of a bond to assure payment.

**Chapter 42-130** – Approved Backflow Prevention Device Required for Water Supply System

- No person shall connect a vessel's water supply system, siphon or other water water-operated device, equipment or mechanism connected to the water supply system or operate any water-operated device, equipment or mechanism connected to the water supply system, unless an approved backflow prevention device has been installed at the faucet or other point of connection. An "approved backflow prevention device" means a backflow prevention device that meets the requirements contained in Standard 1001, American Society of Sanitary Engineers as it existed on June 1, 1993, or the Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials.

**Chapter 42-131** – Dumping of Materials at Sea

- When any owner, agent or individual contemplates the dumping of sinkable materials at sea by hauling across, within or on the navigable and/or shore waters of the State that person shall notify and obtain the permission of the department as specified in §19-42-161 and §19-42-162 prior to movement and shall not fail to perform any duty imposed thereby. All dumping at sea of sinkable objects or materials shall be done in the areas

designated by the Secretary of the Army for such disposal and in accordance with the Corps of Engineers requirements and applicable state agency requirements.

- The dumping of floating objects is strictly prohibited.

**Chapter 42-132** – Waste Outlets; Permit Required

- Notwithstanding the issuance of a permit pursuant to §19-42-161, no person shall do any of the following within a state commercial harbor without first having obtained a permit from the HDOH (not applicable to vessels):
    - Discharge any wastes from shore into the waters of a state commercial harbor so as to reduce the quality of the water below the standards of water quality adopted for such waters by the HDOH.
    - Construct, install, modify, alter, or operate any treatment works or part thereof or any extension of addition thereto which discharges from shore into the waters of a state commercial harbor.
    - Construct or use new outlet for the discharge of any wastes from shore into the waters of a state commercial harbor.

**Chapter 42-133** – Loading or Unloading Flammable Liquids

- Loading or unloading of flammable liquids shall be in strict accordance with applicable federal laws and regulations.

**Chapter 42-134** – Appliances and Electrical Wiring

- All cooking or heating appliances or any other machinery, equipment, utensils, or apparatus which are used by small craft or smaller commercial vessels at a state commercial harbor and could be the cause of fire shall be so constructed, installed, wired, situated, maintained, and used so as not to constitute a potential fire hazard. The failure to conform to any statute, rule, regulation, standard, or ordinance affecting fire safety may be considered by the department in determining any violation of this section.
- Particular attention is directed to the applicable provisions of the state boating rules of the Department of Land and Natural Resources. In addition, the approval of any machinery, equipment, utensils, or apparatus by Underwriter' Laboratories, Factory Mutual System, Marine Testing Institute, Inc., or any other nationally recognized electrical testing agency, may be considered by the department in determining compliance with this section.
- All electrical equipment must be properly grounded.

**Chapter 42-135** – Fire Extinguishing Equipment for Small Craft

- Any small craft utilizing the waters of the state commercial harbor shall be provided with approved fire extinguishers as prescribed in the applicable provisions of the state boating rules of the DLNR. The fire extinguishers shall at all times be maintained in good and serviceable condition for immediate and effective use an shall be mounted on wall brackets so located as to be readily accessible. In addition, if any person is living aboard any small craft or contrivance, which is not a visiting small craft temporarily using the

harbor, the small craft or contrivance shall be equipped with at least one approved hand portable fire extinguisher containing ten pounds of dry chemicals placed on each separate level or floor of habitable living space. Each extinguisher shall be mounted on a wall bracket so placed as to be readily accessible.

Chapter 42-136 – Fueling

- All fueling operations shall be done in compliance with the stricter of any applicable federal, state, or county rules. The fueling of vessels at a state commercial harbor where a marine fueling station has been established, or where authorized tank trucks or tank trailers are available shall be accomplished only at a station, or by tank trucks or tank trailers with a state permit. A permit shall be issued only if:
    - Proper application has been submitted;
    - Established fees have been paid to the department by the applicant;
    - There exists a comprehensive general liability insurance policy or policies, or a certificate of insurance in lieu thereof evidencing that a policy has been issued and is in force with a combined single limit of not less than $500,000. The specification of limits contained in this section shall not be construed in any way to be a limitation on the liability of the permittee for any injury or damage proximately caused by it. The insurance shall (A) be issued by an insurance company or surety company authorized to do business in the State; (B) name the State as an additional insured; (C) provide that the department shall be notified at least thirty (30) days prior to any termination, cancellation, or material change in its insurance coverage; (D) cover all injuries, losses, or damages arising from, growing out of, or caused by any acts or omissions of the permittee, its officers, agents, employees, invitees, or licensees, in connection with the permittee's use or occupancy of the premises; and (E) be maintained and kept in effect at the permittee's own expense throughout the life of the permit. The permittee shall submit evidence to the department of renewals of other actions to indicate that the insurance policy remains in effect as prescribed in this section.
- Prior to fueling a vessel at a state commercial harbor, the operator shall:
    - Securely moor the vessel;
    - Stop all engines, motors, fans, and devices which could provide sparks;
    - Extinguish all fires;
    - Close all ports, windows, doors, and hatches; and
    - Clear the area of people not directly involved with the operation of the vessel or servicing of the vessel.
- Persons fueling a vessel at a state commercial harbor shall:
    - Refrain from smoking, striking matches, or throwing switches; and
    - Keep the nozzle of the fuel hose, or fuel can in continuous contact with fuel tank opening to guard against static sparks.
- After fueling is completed, the following action shall be taken:
    - Close fill openings;
    - Wipe up all spilled fuel;

- Open all ports, windows, doors, and hatches;
- Permit vessel to ventilate for at least five minutes; and
- Check that there are no fuel fumes in the vessel's bilges or below deck spaces before starting machinery or lighting fires.

- Fueling a vessel from a fuel barge or tanker barge shall be allowed only when it is down in accordance with operational procedures approved by the USCG.

**Chapter 42-137** – Fishing Prohibited

- Fishing, as defined in HRS 187A-1 is prohibited from all piers, wharves, and bulkhead walls in Kewalo Basin and Honolulu Harbor except Piers 5, 6, and 7; and all piers and wharves in Barbers Point Harbor. Casting of fishing lines beyond the shallow marginal reef and into the boat channel is prohibited from the Waikiki side of the Kewalo Basin entrance channel. Fishing with nets is prohibited in the basin and channel areas of Kewalo Basin, Barbers Point Harbor, and Honolulu Harbor except for the use of hand-held scoop nets for landing hooked fish at Piers 5, 6, and 7 in Honolulu Harbor and the shallow marginal reef at the Waikiki side of the Kewalo Basin entrance channel and as provided in these rules and HAR 188-34.

**Chapter 42-138** – Lifesaving Equipment Required

- Any small craft and smaller commercial vessel utilizing the waters of a state commercial harbor shall be equipped with lifesaving equipment as required by and approved by the USCG. Wearable PFDs must be readily accessible and throwable devices must be immediately available for use
    - Boats 16 feet or over in length shall carry one Type I, II, or III (wearable) PFD for each person on board and one Type IV (throwable) PFD in each boat.
    - Boats less than 16 feet in length and all canoes and kayaks shall carry one Type I, II, III, or IV PFD for each person on board.

**Chapter 42-139** – Fire Signal for Small Craft or Smaller Commercial Vessel in Harbor

- Five prolonged blasts on a vessel's whistle, horn or other sound producing device indicates (1) a fire on board small craft or smaller commercial vessel not under way or (2) a fire at any facility to which the small craft or smaller commercial vessel may be moored. The words "prolonged blasts" used in this section shall mean a blast from four to six seconds duration. The fire signal shall not be used for other purposes in any state harbor.

**Chapter 42-140** – Liquor Prohibited on State Piers and Waterfront Properties without Permit

- No person shall consume any liquor as defined in HRS 281-1, on any state pier or waterfront property not under lease except by prior permission from the department for each occasion.

**Chapter 42-141** – Responsibility for Vessel Gangplanks

- It shall be the responsibility of the vessel to provide a reliable and safe means of access and egress to and from the vessel and the pier for crew members, passengers, and visitors to the vessel.

**Chapter 42-161** – Dredging, Filling, and Construction

- Any person, firm, or corporation desiring to perform any dredging, filling, or erecting of any construction within commercial harbors and entrance channels belonging to or controlled by the State, shall first obtain a permit therefore from the department.
- The application for any dredging, filling, or construction shall be in the form prescribed by the department, accompanied by maps and drawings which shall clearly show the location, scope, character, and details of the proposed work, and shall be further accompanies by a fee of $50 to cover costs of the necessary investigation. This fee is not refundable whether or not a permit is granted.

**Chapter 42-162** – Jurisdiction of Other Agencies

- The United States Army Corps of Engineers, the State Department of Health, and the Department of Land and Natural Resources may have certain jurisdiction over navigable waters.
- The approval of these agencies shall also be secured before performing work within their jurisdictions. When directed, the applicant shall notify the USCG of such work for publication of a “Notice to Mariners.”

**Chapter 42-163** – Installation of Buoys

- Any person desiring to install mooring or anchorage buoys in any harbor under the jurisdiction of the department, shall apply to the department in writing for permission to install such buoys.
- Applications must be accompanied by comprehensive plans showing the exact proposed location of buoys and anchors, as well as plans and specifications of the type and size of buoy and anchoring equipment. The director may grant permission for the installation of moorings or buoys in any area under the department jurisdiction if, in the director’s judgment, it is advisable and will not be a menace to or interfere with navigation. The right is reserved by the director to revoke any license or permission for installation at any time, if the director’s opinion revocation is necessary or advisable. Upon revocation, the owner shall remove the moorings or buoys without delay.

**Chapter 42-164** – Construction of Structures

- No buildings or structures of any nature shall be erected or constructed on state property, nor shall existing structures be modified, without obtaining the prior permission of the division and any other governmental agency as required by law. The division may require plans, specifications, and other pertinent data to accompany any request for construction or modification of state facilities. In General, approval shall be dependent on an agreement to return the property to its original state when vacating the property, if requested by the division.

Note: The majority of Chapter 42 deals with loading and unloading of hazardous materials and does not apply to storage of materials and waste that are used/stored at harbor tenant facilities or construction sites. In the case of improper use, manage, or storage of hazardous substances or wastes, Harbors will follow the terms and conditions contained in the tenant lease agreement or revocable permit, or construction contracts as stated below.

Enforcement Officers may issue penalties under HAR Title 19 for the following circumstances:

- A responsible party in violation of an environmental regulation, but where a Written Warning is not an effective tool.
- A responsible party in violation of a Harbors requirement, but not in violation of HDOH stormwater regulations.
- A transient vessel owner in violation of a Harbors requirement, BMP, or HDOH stormwater regulation, although not subject to a tenant lease agreement, revocable permit, construction contract.

# Attachment 3

# Best Management Practices

# Storm Water
# BEST MANAGEMENT PRACTICES

## Vehicle and Equipment Washing

Wash water from vehicle and equipment cleaning activities performed outdoors or in areas where wash water flows onto the ground can generate dry weather runoff contaminated with detergents, heavy metals, oils and greases, toxic substances, sediments, and other pollutants.

Releasing pollutants directly or indirectly into the storm drain system or the harbor by vehicle or equipment washing is a violation of the Harbor Municipal Separate Storm Sewer System (MS4) General Permit. Proper employee training, BMP implementation, and pollution prevention methods are required for compliance with the Harbor's Storm Water Management Plan (SWMP).

### BMP Implementation

**Primary Option:** Off-site Washing

Facilities with small fleets should consider contracting with a commercial car wash. Commercial car wash facilities often recycle their water or are required to treat their wash water discharge prior to release into the sanitary sewer system. Pressure cleaning and steam cleaning should be done off-site to avoid generating runoff with high pollutant concentrations.

**Secondary Option:** On-Site Washing

**NOTE: ON-SITE WASHING IS ALLOWED ONLY AFTER WASHING PROCEDURES ARE SUBMITTED TO THE HDOT HARBORS DIVISION FOR FORMAL APPROVAL**

Vehicle and equipment washing should be conducted only in designated areas specifically designed to collect and hold generated wash and rinse water.

*"For small jobs, berm the area surrounding the vehicle and use a wet/dry vacuum to capture the wash water for discharge to the sanitary sewer. For larger jobs, use a combination of berms and a vacuum truck, such as those used to clean storm and sanitary sewer systems, to capture and safely dispose of wash water. If detergents are used, clean the pavement to prevent this material from being carried to the storm drain during the next rainstorm."* [1]

The contained wash water effluent should be recycled, discharged to the sanitary sewer system (permit may be required) or collected for off-site disposal at a permitted facility. Additionally, designated wash areas should be paved and contained using berms and a sump. Use hose nozzles with automatic shut off and bio-degradable soaps where appropriate. Inspect paved surfaces within the wash area and clean periodically to remove buildup of particulate matter or other pollutants. Vehicle maintenance, chemical storage, and other activities that could release pollutants are prohibited in washing areas. Train employees on proper cleaning, maintenance, and wash water disposal procedures. Documentation of this training should include a list of attendees, the date, the topic covered, and signatures of attendees.

[1] EPA Municipal Vehicle and Equipment Washing BMP Fact Sheet

*The State Department of Transportation, Harbors Division has developed the Storm Water Management Plan (SWMP) in compliance with the National Pollutant Discharge Elimination System (NPDES) and the State of Hawaii Municipal Separate Storm Sewer System (MS4) General Permit requirements.*

*The SWMP is administered by the Environmental Section under the Engineering Branch.*

*Phone: 808-587-1962*

*Website:* http://hidot.hawaii.gov/harbors/library/storm-water-management/

# Storm Water
# BEST MANAGEMENT PRACTICES

## Vehicle and Equipment Fueling

Transfer and storage of bulk petroleum products (i.e. gasoline, diesel fuel, and motor oil) have the potential to pollute storm water run-off. Implementation of BMPs is required to prevent or reduce petroleum pollutants from entering the storm water drainage system. Both administrative controls, such as employee training and inspections, and structural controls, such as an automatic shut-off device and secondary containment, are necessary for an effective pollution prevention program.

### BMP Implementation

**Primary Option:** Off-site Fueling

Utilize off-site commercial fueling facilities whenever feasible.

**Secondary Option:** On-Site Fueling

Vehicle fueling should be conducted only in designated areas specifically designed to contain spills and prevent contact with storm water.

- Avoid positioning upstream or adjacent storm drainage features.
- Utilize impervious surfaces and containment designed to prevent storm water run-on/off.
- Ensure spill kits are available (immediately clean up and properly dispose of used absorbent materials).
- Equip dispensing nozzles with automatic shut-off controls.
- Utilize drip pans if remote or mobile fueling is required.

Secondary containment must be provided for aboveground storage tanks if the facility's aggregate shell capacity of containers 55 gallons or greater exceeds 1,320 gallons.

- Containment required to be 110% of largest tank capacity.
- Containment required to have locking drain valve.
- Record containment inspections and uncontaminated rain water discharges.
- Develop Spill Prevention, Control, and Countermeasures (SPCC) Plan required per Federal/State regulations.

Periodic inspections should be performed of petroleum handling equipment and other structural controls. Train employees (document) on proper fueling and spill response responsibilities. Report all spills in accordance with the Hawaii Department of Health's (HDOH) Spill Reporting and Emergency Response requirements and document response actions.

EPA Website for SPCC Guidance
http://www.epa.gov/oem/content/spcc/

HDOH Spill Reporting and Emergency Response website:
http://hawaii.gov/health/environmental/hazard/spill.html

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# Storm Water
# BEST MANAGEMENT PRACTICES

## Outdoor Material Storage

Responsible storage of chemicals, such as paints, solvents, and cleaners can significantly reduce polluted storm water runoff. Containerized products (such as bottles, cans, and drums) and bulk material must be handled properly in all stages of storage, use, and disposal. In many cases, businesses can implement simple housekeeping practices in order to store materials more effectively. Proper storage practices reduce the likelihood of accidental spills or releases of hazardous materials during storm events. In addition, health and safety conditions at the facility will improve.

### BMP Implementation

Outdoor material storage should be placed only in designated areas specifically designed to contain spills and prevent contact with storm water. Store liquids in an area where containers cannot be knocked over and releases can be contained.

- Avoid positioning upstream or adjacent to storm drainage features.
- Place bagged materials on pallets and under cover.
- Utilize impervious surfaces and containment devices (e.g., dikes, curbs) to contain possible leaks and prevent storm water run-on/off.
- Store all containers under cover to protect from rain and sun.
- Close and secure any opened containers, and utilize drip pans for dispensing from containers.
- Cover stockpiles with plastic or comparable material when not in use or at the end of each day.
- Provide physical diversion to protect stockpiles from concentrated runoff.
- As necessary, place silt fence, fiber filtration tubes, or straw wattles around stockpiles.

Appropriate spill response procedures, including notification, initial response and follow-up actions, should be developed and posted.

- Keep a spill kit appropriate for the materials in a readily accessible location, stocked, and ready for use (re-stock after each use).
- Clean up spills immediately using absorbent material or containment booms for liquid spills. Immediately sweep up and properly dispose of used absorbent materials.
- Always use dry methods to clean spills (sweeping) and never hose down the spill area.

Periodic inspections should be performed to verify that the conditions of containers, secondary containment devices, and other structural controls are acceptable. Train employees (document) on proper storage, handling and spill response responsibilities. Report all spills in accordance with the Hawaii Department of Health Spill Reporting and Emergency Response requirements (http://hawaii.gov/health/environmental/hazard/spill.html).

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# Storm Water
# BEST MANAGEMENT PRACTICES

## General BMPs for Businesses

The storm drainage system at our harbor facilities collects rainfall from storm events and releases it directly, without treatment, into the harbor. As rainfall travels over surfaces such as roofs, roads, and parking lots, it picks up oils, metals, fertilizers, pesticides, sediments, and other contaminants before entering the harbor. Storm water pollution degrades our waters and reduces the quality of natural habitats for fish and wildlife.

Implementing Best Management Practices (BMPs) and good housekeeping practices will help maintain water quality in the harbors.

### BMP Implementation

**Cleaning**

- Use non-toxic substitutes for chemicals whenever possible.
- Control litter by sweeping and picking up trash regularly.
- Dry sweep floors, processing and storage areas, access roads, parking lots, and sidewalks. Do not wash down with a hose.
- Properly contain and dispose of mop water and sweepings.

**Maintenance**

- Inspect vehicles and equipment for leaks regularly.
- When draining fluids, use a drip pan and/or funnel to prevent spills.

**Landscaping**

- Whenever possible, use environmentally safe alternatives or low-toxicity chemicals.
- Use landscaping pesticides and fertilizers in the smallest amounts necessary and never apply immediately before or during rainfall.

**Spill Response**

- Keep a spill kit appropriate for materials in-use readily available and stocked. Re-stock when used.
- Clean up spills immediately to minimize safety hazards and prevent spills from reaching a storm drain inlet.
- Use absorbent materials to clean small spills rather than hosing down the area. Remove the absorbents promptly and dispose of properly.

Train employees (document) on proper storage, handling and spill response requirements. Report all spills in accordance with the Hawaii Department of Health (HDOH) Spill Reporting and Emergency Response requirements and document response actions.

HDOH Spill Reporting and Emergency Response website:
http://hawaii.gov/health/environmental/hazard/spill.html

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# Storm Water
# BEST MANAGEMENT PRACTICES

## Solid and Hazardous Waste Management

Maintenance activities can generate a variety of hazardous waste that cannot be disposed as routine trash, garbage or other solid waste. Hazardous waste and other regulated material and debris shall be disposed in the proper manner and in accordance with all applicable federal and state laws. Examples of hazardous wastes are:

- Waste oil, used or spent hydraulic fluid, and other petroleum-based fluids.
- Waste paint and paint debris (used brushes, rollers, chips, rags).
- Used or spent paint thinners and other industrial solvents.
- Rags and other cleaning materials that are contaminated with grease, oil, paint, thinners, or other industrial chemicals.
- Discarded electronic equipment (may contain lead or mercury).

Arrangements must be made with a licensed vendor to remove these items prepare the necessary documentation for disposal, and to remove them from the piers and adjacent state property. Do not discard hazardous wastes and other regulated debris in state provided dumpers or anywhere else on state property. All tenants must provide documentation to Harbors Division demonstrating that prior arrangements have been made for the proper disposal of all generated hazardous waste.

**Note: The only Hazardous Materials allowed to be used and stored on state property are those needed in the course of your business, in accordance with the terms and conditions of your lease or revocable permit and, if required, after review and approval from Harbors Division.**

### BMP Implementation

**Primary Option:**

- Schedule general maintenance activities on a more frequent basis to eliminate the need for large-scale maintenance, the use of large amounts of hazardous materials, and the generation of large amounts of hazardous waste.
- Only use recyclable items for maintenance and routine operations to reduce solid waste generation. Recycle such items as batteries, petroleum-based liquids (e.g., engine oil, gear lube, hydraulic fluid), cardboard, rags, glass and plastic containers, newspaper, and electronic devices.

**Secondary Options:**

- Only use environmentally friendly materials for maintenance to reduce the need for regulated disposal.
- Reduce the inventory of hazardous materials stored on site to avoid regulated disposal due to shelf-life expiration. **REMEMBER – If you do not need it, do not store it!**

*The State Department of Transportation, Harbors Division has developed the Storm Water Management Plan (SWMP) in compliance with the National Pollutant Discharge Elimination System (NPDES).*

*The SWMP is administered by the Environmental Section under the Engineering Branch.*

*Phone: 808-587-1962*

*Website:* http://hidot.hawaii.gov/harbors/library/storm-water-management/

# Storm Water
# BEST MANAGEMENT PRACTICES

## Material Delivery and Handling

Responsible management of material delivery and handling can significantly reduce pollution to storm water runoff. Bulk and containerized products (such as bottles, cans, and drums) must be handled properly in all stages of delivery, use and storage. Proper delivery and handling practices reduce the likelihood of accidental spills or releases of hazardous materials during storm events. Proper practices will also improve health and safety conditions at the facility.

### BMP Implementation

Material delivery and handling should take place only in designated areas situated near warehouse entrances and staging/storage areas and distant from site drainage inlets and watercourses. The best locations for deliveries are where risks of accidents are reduced and any releases can be contained.

- Maintain accurate and up-to-date records of materials delivered and stored on-site.
- Minimize on-site inventory and handling of hazardous materials.
- Stage containers on pallets, under cover, and, when possible, in secondary containment.

Employees with emergency spill cleanup training should be present during unloading of dangerous materials or liquid chemicals. Appropriate spill response procedures should be developed and posted. Additionally:

- Keep a spill kit appropriate for the received materials readily available, stocked, and ready for use (re-stock after each use).
- Clean up spills immediately using absorbent material or containment booms for liquid spills. Immediately sweep up and properly dispose of used absorbent materials.
- Always use dry methods to clean spills (sweeping) and never hose down the spill area.

Periodic inspections should be performed to verify that the conditions of containers, stockpiles, secondary containment devices, and other structural controls are acceptable. Train employees (document) on proper material delivery, handling and spill response requirements. Report all spills in accordance with the Hawaii Department of Health's (HDOH) Spill Reporting and Emergency Response requirements and document response actions.

HDOH Spill Reporting and Emergency Response website:
http://hawaii.gov/health/environmental/hazard/spill.html

*The State Department of Transportation, Harbors Division has developed the Storm Water Management Plan (SWMP) in compliance with the National Pollutant Discharge Elimination System (NPDES) and the State of Hawaii Municipal Separate Storm Sewer System (MS4) General Permit requirements.*

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*Website:*
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# Storm Water
# BEST MANAGEMENT PRACTICES

## Building and Remodeling

The storm drainage system at our harbor facilities collects rainfall from storm events and releases it directly, without treatment, into the harbor. Sediment is the pollutant of most concern during construction due to the removal of soil cover. Heavy metals and nutrients attach to soil particles that, if allowed to reach the storm drain, degrade water quality. Other items of concern include paints, thinners, mortars and construction rubble/debris.

Implementing Best Management Practices (BMPs) and good housekeeping practices will help maintain water quality in the harbor.

**NOTE: SUBMITTAL OF BUILDING OR REMODELING PLANS TO THE HDOT HARBORS DIVISION FOR FORMAL APPROVAL IS REQUIRED**

### BMP Implementation

**Soil Erosion and Sedimentation**

- Minimize removal of existing vegetation.
- Reduce traffic on disturbed soils and divert runoff around them.
- Re-vegetate as soon as possible using native seed mix and mulch.
- Frequently sweep soil back from streets and sidewalks.
- Dry sweep paved surfaces rather than hosing down or using blowers.
- Use sediment control devices, including silt fences, inlet protection, diversion ditches, and swales to minimize off-site migration of soil.

**Housekeeping During Work**

- Properly store and dispose of materials such as paints and solvents.
- Properly contain and dispose of mop water, sweepings, and sediments.
- Use non-toxic substitutes for chemicals when possible.
- Inspect vehicles and equipment for leaks regularly and fix problems as soon as possible.
- Keep a spill kit of absorbent material, such as kitty litter or sand, and safety equipment, such as safety glasses and gloves, in case a spill does occur. Never hose down an area to clean up after a spill.
- Control litter by sweeping and picking up trash on a regular basis.
- Cover dumpsters and replace leaking ones.

Train employees (document) on proper materials storage, handling and spill response responsibilities. Report all spills in accordance with the Hawaii Department of Health's (HDOH) Spill Reporting and Emergency Response requirements found at the link below and document response actions.
http://hawaii.gov/health/environmental/hazard/spill.html

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# Controlling Vessel Discharges
# BEST MANAGEMENT PRACTICES

## Vessel Maintenance Activities

Debris from vessel maintenance activities performed over unprotected water can result in detergents, heavy metals, oils and greases, toxic substances, sediments, and other pollutants that fall directly into Harbors water.

Releasing pollutants directly or indirectly into the harbor during hull maintenance activities is a violation of the Clean Water Act. Proper employee training, BMP implementation, and pollution prevention methods are required for compliance with the Clean Water Act and to protect waters under Harbors jurisdiction. Maintenance activities include:

- Painting
- Grinding and Chipping
- Using chemicals for rust and paint removal
- Washing exterior surfaces (with or without chemicals)
- Engine repair

### BMP Implementation

**Primary Option:** Perform vessel maintenance activities while vessel is in dry dock, slipway or haul-out facility, or outside of waters under the jurisdiction of Harbors Division.

**Secondary Options:**

- Use anti-foulant paints with less toxic ingredients.
- Never use anti-foulant paint containing Tributyltin (TBT). Anti-foulant paints and other compounds containing TBT are prohibited for use throughout the United States.
- Install a tarpaulin or other containment device underneath all painting, grinding, or chipping activities. Properly dispose of all captured debris removed from hull.
- Never use chemicals such as Naval Jelly (Phosphoric Acid) for rust or paint removal while vessel is still afloat.
- Never use any compounds that contain Tetrachloroethylene (TCE) for hull maintenance.
- Maintain the hull and all exterior surfaces more frequently to prevent the build-up of rust, marine growth, and aquatic nuisance species (invasive species).
- Wash exterior surfaces with fresh water only. Contain all wash water and properly dispose in a shore-based sanitary sewer. Low pressure (<100psi) washing only. Never use detergents or other chemicals while washing.
- Cleaning with dry methods (sweeping, vacuuming, or damp mopping) is preferred.

*The EPA has issued a draft **Small Vessel General Permit**. If finalized, it would authorize discharges incidental to the normal operation of **non-military and non-recreational vessels less than 79 feet in length and commercial fishing vessels**. The draft permit specifies best management practices for several broad discharge management categories including **fuel management, engine and oil control, solid and liquid maintenance, gray water management, fish hold effluent management, and ballast water management**.*

*Implementation Date:* ***December 18, 2013***

*Here is the website for more info:* *http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm*

# Storm Water
# BEST MANAGEMENT PRACTICES

## Building Power Washing

Building power washing, using a high-pressure water system, generates wash water (wastewater), which could contain contaminants (such as detergents, oils, dirt, greases, paint chips, metals, and grime). The discharge of these contaminants into a storm drain is considered an "Illicit Discharge." No wastewater should be discharged into storm drains.

Detergents, even biodegradable ones, can be poisonous to fish. Phosphates, an ingredient in some detergents, are plant nutrients that can cause excessive growth of nuisance plants in the water. Building power washing also removes debris that, if discharged, can clog storm drain inlets and grates and reduce or even prevent storm water drainage to the collection system.

**Note: Building power washing, without proper containment and prior written consent from HDOT Harbors Division, is prohibited. It is also NOT acceptable to let wastewater from washing sit in areas such as parking lots, driveways, or walkway to evaporate, because contaminants can accumulate and flow into storm drains or state waters during the next rainfall event.**

### BMP Implementation

**Primary Option:**

- Apply dry wash methods (e.g., wiping with wet rags, wet mopping) that do not generate wastewater or cause wastewater to flow freely to the ground. Rinse water must be disposed of properly (e.g., into the sanitary sewer).

**Secondary Option:**

- Power washing with a (portable) containment system to completely contain and capture the wastewater. The system must be adequately designed to prevent water from entering a storm drain or from running off-site. A containment pad, berms, and pump system can be used to capture wastewater and divert it to a holding tank for proper disposal (see below).

Other Things To-Be-Considered:

- Building power washing is allowed only after the BMPs are approved in writing by HDOT Harbors Division.
- When power washing old paint off a building, the wastewater will contain paint chips that need to be collected, evaluated, and disposed of properly. Old paint stripped off commercial buildings may contain heavy metals (such as Pb, Cr, Cd, or Hg), and may need to be disposed of as a hazardous waste.
- Options for wastewater disposal include: (1) obtaining permission to direct the wastewater to the City's publicly owned treatment works [POTW] through a sanitary sewer on-site; (2) collecting the wastewater from the site and arranging for disposal at a POTW or industrial waste disposal facility.

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# Storm Water
# BEST MANAGEMENT PRACTICES

## Sidewalk and Walkway Power Washing

Unpainted concrete sidewalk/walkway power washing, using a high-pressure water system, generates wash water, which could contain contaminants (such as oils, dirt, greases, and grime). Power washing also removes debris that, if discharged, can clog storm drain inlets and grates and reduce or even prevent storm water drainage to the storm conveyance system. Therefore, wash water from sidewalk/walkway power washing must be properly handled.

**Note: Before wash water enters storm conveyance system, the discharger must use appropriate Best Management Practices [BMPs] to reduce pollution associated with non-storm water discharges, to the Maximum Extent Practicable [MEP]. The discharger is responsible for complying with HDOT, City, State, and Federal rules and regulations.**

### BMP Implementation

**Recommended Washing Procedure:**

- Sweep and/or clean the surface of any visible pollutants and dispose of the collected material in trash containers. Clean surface oil with rags or absorbents. If using granular material (e.g., cat litter), thoroughly sweep and properly dispose of before washing.
- After visible pollutants are removed, use water ONLY to clean the area (i.e., no soap, acids, or other additives). Generated wash water should be properly drained or disposed of (e.g., directed to landscape or permeable areas within the premises, filtered through geotextile filter at the drain inlet then discharged into the storm drain).
- If any visible pollutants remain in the residual wash water, collect all water and pump into the City's publicly owned treatment works [POTW] through a sanitary sewer on-site. Approval by the City is required.

### Other Things To-Be-Considered:

- If there is no storm drain system nearby and discharge on a paved lot or street will create a nuisance or hazardous condition, the effluent may be disposed of at a POTW or industrial waste disposal facility.
- Discharge to a POTW requires approval by the City.
- If sidewalk/walkway is painted and power washing has the potential to remove the paint, please refer to the **Building Power Washing BMP** flyer.

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# Attachment 4

# Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants

# State of Hawaii Department of Transportation Harbors Division
# Environmental Compliance, BMP, and P2 Inspection Checklist for Tenant

Harbor: _____ Date/Time: _____
Inspector(s): _____ Weather Conditions: _____

Type of Inspection: ☐ Regular Inspection ☐ Follow-up Inspection ☐ Final Inspection
☐ New Tenant Inspection - Date of Occupancy:

Tenant Business Name: _____
Tenant Permit(s): _____
Facility Location: _____
Facility Mailing Address: _____
Tenant Representative: _____
Phone Number: _____ Mobile Number: _____
Fax Number: _____ E-mail Address: _____
EPA ID No. (if any): IWDP No. (if any):

**Facility Description:**

**Site Drainage Description (including stenciling):**

**Any illicit discharge into Harbors storm water drainage system?** ☐ Yes ☐ No ☐ N/A
If "Yes", please describe here:

**Related Risk Ranking Criterion:**

**Operations:**

- ☐ Vessel Maintenance
- ☐ Vessel Fueling
- ☐ Vehicle/Equipment Maintenance
- ☐ Petroleum Product Storage
- ☐ Hazardous Material Storage
- ☐ Waste Handling
- ☐ Vessel Washing
- ☐ Vehicle/Equipment Fueling
- ☐ Vehicle/Equipment Washing
- ☐ Material Storage
- ☐ Material Handling
- ☐ Building Maintenance

**NPDES Compliance** ☐ Yes ☐ No ☐ N/A If "Yes", please complete this section
NPDES Permit Number: _____ Expiration Date: _____
DMR Compliance: ☐ Yes ☐ No ☐ N/A Last round of sampling:
SPCC Compliance: ☐ Yes ☐ No ☐ N/A

- The facility maintains records of monitoring data for a minimum of five years? ☐ Yes ☐ No ☐ N/A
- The facility has a SWMP and/or SWPCP? ☐ Yes ☐ No ☐ N/A
- The facility has filed a Discharge/Connection Permit with Harbors? ☐ Yes ☐ No ☐ N/A
- Discharge points exhibit unusual characteristics (e.g., sheen, color) ☐ Yes ☐ No ☐ N/A

**Material Inventory:**

| No. | Inspection Item | Yes | No | N/A | Remarks |
|---|---|---|---|---|---|
| | **Storage** | | | | |
| 1 | **SPCC Compliance**: Facility with an aggregate shell capacity of 1,320 gallons or more of petroleum products. | | | | |
| 2 | **AST Containment**: ASTs are situated over an impervious surface, have adequate secondary containment and integrity protection, and containment drain valves are kept locked. | | | | |
| 3 | **AST Overflow Protection**: Bulk product ASTs are equipped with overflow protection alarms or automatic shutdown pumps. | | | | |
| 4 | **AST Malfunction**: Visible piping, tanks, and hoses in good condition (e.g., no exhibit signs of leakage, wear, or malfunction). | | | | |
| 5 | **Oily Equipment**: Oily or leaking equipment is stored under cover or with drip pans. Drip pans are emptied or replaced as needed. | | | | |
| 6 | **Storm Water Management**: Storm water accumulation in secondary containment is minimized, managed, disposed correctly, and logged. | | | | |
| 7 | **Salvaged Equipment/Vehicle**: Fluids and batteries are removed from salvaged equipment/vehicle before storage. | | | | |
| 8 | **Outdoor Material Storage**: Outdoor storage areas have coverings that prevent contact of these items with storm water. Materials are kept above the ground higher than the level of runoff. | | | | |
| 9 | **Labeling**: Containers are properly labeled. | | | | |
| 10 | **Compatibility**: Containers are stored in an organized manner, compatible with other stored materials, labeled correctly, and not stored past allowable holding times. | | | | |
| 11 | **EPCRA**: The facility is required to report chemical inventory (Tier II) and/or Toxic Release Inventory (TRI) report. | | | | |
| | **Fueling** | | | | |
| 12 | **Fueling BMPs**: Fueling area engineering controls and BMPs are effective in preventing storm water run on/off. | | | | |
| 13 | **Fueling Inspections**: Equipment in fueling areas is in good condition (e.g., do not exhibit signs of leakage, wear, or malfunction). An inspection log is available for inspection. | | | | |
| | **Washing** | | | | |
| 14 | **Vessel/Vehicle/Equipment Washing**: Vehicle or equipment washing is conducted with approval from HDOT Harbors. | | | | |
| 15 | **Hand Washing**: Hand or dish washing is conducted over a sink that is plumbed to sanitary sewer or is disposed of appropriately. | | | | |
| | **Vessel/Vehicle/Equipment Maintenance** | | | | |
| 16 | **Vessel/Vehicle/Equipment Maintenance Area**: Maintenance is conducted in a designated area, preferably covered. | | | | |
| 17 | **Preventive Maintenance**: Preventive maintenance is performed on vehicles and equipment to prevent leaks. Vehicle and equipment are monitored periodically for leaks and drip pans are used. | | | | |
| 18 | **Maintenance Logs**: Records are kept. | | | | |
| 19 | **Parts Washer**: Parts washer fluid is disposed appropriately with an authorized disposal contractor. | | | | |
| | **Material Handling** | | | | |
| 20 | **Material Handling Area**: Loading areas are free of unattended stains or pavement in normal deteriorated condition that would indicate good material handling practices. | | | | |
| | **Spill Response** | | | | |
| 21 | **Spills and Stains** are cleaned thoroughly. | | | | |
| 22 | **Spill Kits** are kept in all high risk areas and are refilled as needed. | | | | |
| 23 | **Spill Recording**: Records are kept of spills and releases in the SWPCP or SPCC Spill and Discharge Log. | | | | |
| 24 | **Harbors Environmental Hotline**: Emergency storm water contact numbers have been posted on site. | | | | |

| No. | Inspection Item | Yes | No | N/A | Remarks |
|---|---|---|---|---|---|
| | **Building Maintenance & Housekeeping** | | | | |
| 25 | **Sweeping**: Trash, debris, and dirt are swept up regularly. | | | | |
| 26 | **Deck/Floor Washing**: Dry sweeping or mopping is conducted instead of spraying/hosing down. | | | | |
| 27 | **Sumps and OWS Maintenance**: Structural controls such as containment sumps or OWSs are emptied and serviced regularly. | | | | |
| 28 | **Cleanliness**: All work areas and storage areas are neat and clean. | | | | |
| | **Waste Handling** | | | | |
| 30 | **Trash Bins**: Trash bins are kept closed when not in use and are not overflowing. | | | | |
| 31 | **Used Batteries**: Spent lead acid batteries are protected from contact with stormwater runoff and placed in secondary containment while awaiting disposal. Batteries are disposed in a timely manner. | | | | |
| 32 | **EPA Generators**: Wastes are disposed properly, records are kept and hazardous waste generator status is known. Facility has an Environmental Protection Agency (EPA) hazardous waste generator identification number and follows appropriate regulations/requirements (CESQG, SQG, LQG). | | | | |
| 33 | **Hazardous Waste Containment**: Hazardous waste and used oil storage areas have impermeable surfaces, adequate secondary containment, and integrity protection. | | | | |
| 34 | **Chemical Toilets** are cleaned by contractors in a manner that does not allow chemicals (i.e. blue liquid) to enter the Harbor. | | | | |
| | **Training** | | | | |
| 35 | **HDOT Harbors Annual Training**: A representative has attended the most recent HDOT Harbors Storm Water Awareness Training. | | | | If "No", the latest training attended: |
| 36 | **Material Handling Training**: Records of training are available for employees involved in material handling (e.g. forklift operators). | | | | Most recent training date: |
| 37 | **Container Storage Training**: Records of training are available for employees involved in inspection of ASTs or chemical storage areas. | | | | Most recent training date: |
| 38 | **Fueling Training**: Records of training are available for employees involved in large scale vehicle and equipment fueling. | | | | Most recent training date: |
| 39 | **Hazardous Waste Training**: Records of training are available for employees involved hazardous/universal waste handling/disposal activities. | | | | Most recent training date: |
| | **General Observed BMPs** | | | | |
| 40 | General Housekeeping ☐ Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor or Unacceptable | | | | |
| 41 | Recordkeeping ☐ Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor or Unacceptable ☐ Not Applicable | | | | |
| 42 | All personnel are well-trained ☐ Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor or Unacceptable | | | | |
| 43 | Need follow-up inspection ☐ Yes ☐ No | | | | |

| | | Tenant Risk Ranking Criteria | Score |
|---|---|---|---|
| **1** | **Vessel Maintenance and Repair** | | |
| | 0 | Neither maintenance nor repair activities are conducted on-site. | |
| | 1 | Maintenance and repair activities on any size vessel are conducted entirely indoors (with proper dust control BMPs), with no or minimal potential for discharge of pollutants. | |
| | 2 | Minor maintenance and repair (30 day or less duration) for small vessels is conducted in their berth (with proper dust control BMPs) with minimal potential for discharge of pollutants. | |
| | 3 | Maintenance and repair activities on large vessels are conducted outdoors and out of the water (with proper dust control BMPs), with minimal potential for discharge of pollutants. | |
| | 4 | Major maintenance and repair activities on any size vessel are conducted in a partially confined or unconfined area with moderate potential for discharge of pollutants. | |
| | 5 | Maintenance and repair activities on any size vessel are conducted in an unconfined area or in an area with significant potential for discharge of pollutants. (**Automatic trigger to high risk designation**) | |
| **2** | **Vessel Fueling** | | |
| | 0 | No fuel transfer activities are conducted on-site. | |
| | 1 | Fueling of small vessel is conducted by a fueling company with proper spill containment and diversion. | |
| | 2 | Fueling of small vessel is conducted with spill containment and diversion. | |
| | 3 | Fueling of large vessel is conducted in designated area with spill containment and diversion. | |
| | 4 | Fueling of small vessel is conducted in areas WITHOUT spill containment and diversion. | |
| | 5 | Fueling of large vessels is conducted in areas WITHOUT spill containment or diversion. (**Automatic trigger to high risk designation**) | |
| **3** | **Vessel Rinsing** | | |
| | 0 | No vessel rinsing is conducted on-site. | |
| | 1 | Vessel rinsing is conducted in an area designed to contain wash water and debris, with no or minimal potential discharge of pollutants. | |
| | 2 | Vessel rinsing is conducted in an uncontained area with no direct connection to Harbors stormwater drainage system, or having a minimal potential for discharge of pollutants. | |
| | 3 | Vessel rinsing is conducted in an uncontained area with no direct connection to Harbors storm drainage system, but having a moderate potential for discharge of pollutants. | |
| | 4 | Vessel rinsing is conducted in an uncontained area directly connected to Harbors storm drainage system, and has a moderate potential for discharge of pollutants. | |
| | 5 | Vessel rinsing is conducted in an uncontained area directly connected to Harbors storm drainage system, and has a significant potential for discharge of pollutants, or not in compliance with EPA VGP or sVGP. (**Automatic trigger to high risk designation**) | |
| **4** | **Vehicle and/or Equipment Maintenance and Repair** | | |
| | 0 | No equipment/vehicle maintenance and/or repair activities are conducted on-site. | |
| | 1 | Maintenance/repair activities are conducted entirely indoors, on a small scale, with minimal potential for discharge of pollutants. | |
| | 2 | Maintenance/repair activities are conducted entirely indoors, on a large scale, with minimal potential for discharge of pollutants. | |
| | 3 | Maintenance/repair activities are conducted in a covered area with minimal to moderate potential for discharge of pollutants. | |
| | 4 | Maintenance/repair activities are conducted outdoors within containment or in an area with moderate potential for discharge of pollutants. | |
| | 5 | Maintenance/repair activities are conducted outdoors or in an area with significant potential for discharge of pollutants, or any time there is an illicit discharge present. (**Automatic trigger to high risk designation**) | |
| **5** | **Vehicle and/or Equipment Fueling** | | |
| | 0 | No equipment and/or vehicle fueling activities are conducted on-site. | |
| | 1 | Equipment/vehicle fueling is conducted by a fueling company with spill containment and diversion. | |
| | 2 | Equipment/vehicle fueling is conducted on a small scale (i.e., less than 25 gallons per fueling) in areas with spill containment and diversion. | |
| | 3 | Equipment/vehicle fueling is conducted on a large scale in areas with spill containment and diversion. | |
| | 4 | Equipment/vehicle fueling is conducted on a small scale WITHOUT spill containment and diversion, but not in areas adjacent to Harbors storm drainage system and nation's water. | |
| | 5 | Equipment/vehicle fueling is conducted on large scale WITHOUT spill containment and diversion, or on any scale in areas adjacent to Harbors storm drainage system WITHOUT spill containment and diversion. (**Automatic trigger to high risk designation**) | |
| **6** | **Vehicle and/or Equipment Washing** | | |

| | | Tenant Risk Ranking Criteria | Score |
|---|---|---|---|
| | 0 | No equipment/vehicle washing is conducted on-site. | |
| | 1 | Equipment/vehicle washing is conducted with Harbors consent and in covered wash area following an approved method, with no or minimal potential discharge of pollutants. | |
| | 2 | Equipment/vehicle washing is conducted with Harbors consent and in uncovered wash area following an approved method with minimal potential discharge of pollutants. | |
| | 3 | Equipment/vehicle washing is conducted with Harbors consent and in uncovered wash area following an approved method with moderate potential discharge of pollutants (e.g., adjacent to Harbors storm drainage system or nation's water). | |
| | 4 | Equipment/vehicle washing is contained and in an area with no direct connection to Harbors storm drainage system and nation's water, but conducted WITHOUT Harbors consent. | |
| | 5 | Equipment/vehicle washing is not contained, conducted WITHOUT Harbors consent, and in an area directly discharging to Harbors storm drainage system and nation's waters. (**Automatic trigger to high risk designation**) | |
| **7** | **Aboveground Oil Storage (size of container ≥ 55-gallon ONLY)** | | |
| | 0 | No oil product is stored on-site. | |
| | 1 | Less than 1,320 gallons of oil is properly stored in a covered area and has no or minimal potential for discharge of pollutants. | |
| | 2 | Less than 1,320 gallons of oil is properly stored in an uncovered area and has minimal potential for discharge of pollutants. | |
| | 3 | More than 1,320 gallons of oil is properly stored with minimal potential for discharge of pollutants, and the facility has an SPCC Plan. | |
| | 4 | More than 1,320 gallons of oil is properly stored with minimal to moderate potential for discharge of pollutants, but the facility does not have a SPCC Plan. | |
| | 5 | Oil is improperly stored and/or managed and has a significant potential for discharge of pollutants. (**Automatic trigger to high risk designation**) | |
| **8** | **Container Storage (size of containers < 55-gallon)** | | |
| | 0 | No containers are stored on-site. | |
| | 1 | All containers are properly managed and stored entirely indoors and have no or minimal potential for discharge of pollutants. | |
| | 2 | All containers are properly managed and stored under cover, and have minimal potential for discharge of pollutants. | |
| | 3 | Containers are properly managed and stored outdoors with minimal potential for discharge of pollutants (e.g., distance from site to the nearest storm drain inlet or surface water is greater than 100 feet or 30 meters). | |
| | 4 | Containers are improperly managed but stored indoors or under the cover, with moderate potential for discharge of pollutants. | |
| | 5 | Containers are improperly managed and stored outdoors with significant potential for discharge of pollutants. (**Automatic trigger to high risk designation**) | |
| **9** | **Waste Handling and Disposal (excluding Used Oil)** | | |
| | 0 | No waste is stored on-site. | |
| | 1 | All wastes are non-hazardous and stored indoors or outdoors in covered areas, and have no or minimal potential for discharge of pollutants. | |
| | 2 | All wastes are non-hazardous and stored outdoors uncovered, and have moderate potential for discharge of pollutants. | |
| | 3 | Hazardous wastes are generated and tenant is classified as a CESQG. Hazardous wastes are properly managed, stored, and disposed of. Storage areas have no or minimal potential for discharge of pollutants. | |
| | 4 | Hazardous wastes are generated and the tenant is classified as a SQG or LQG. Hazardous wastes are properly managed, stored and/or disposed of. Storage areas have no or minimal potential for discharge of pollutants. | |
| | 5 | Hazardous wastes are generated and the tenant is classified as a CESQG, SQG, or LQG. Hazardous wastes are improperly managed, stored, and/or disposed of. Storage areas have significant potential for discharge of pollutants. (**Automatic trigger to high risk designation**) | |
| **10** | **Spill History** | | |
| | 0 | No history of oil/chemical spills on-site. | |
| | 1 | One to three oil/chemical spills in minimal quantity (e.g., less than five gallons for oil) in the past three years. | |
| | 2 | One to three oil/chemical spills in moderate quantity (e.g., oil spill of 5 gallons or greater but less than 25 gallons; for all other chemicals please refer to 40 CFR 302.4) in the past three years. | |

| | | Tenant Risk Ranking Criteria | Score |
|---|---|---|---|
| | 3 | One to three oil/chemical spills greater than the reportable quantity (see 40 CFR 302.4) in the past three years. | |
| | 4 | More than three oil/chemical spills greater than reportable quantity in the past three years. | |
| | 5 | More than two oil/chemical spills entered into Harbors storm drainage system. Or more than five oil/chemical spills of any quantity in one calendar year. (**Automatic trigger to high risk designation**) | |
| **11** | **Enforcement History** | | |
| | 0 | No verbal or written warnings were issued in the past two years. | |
| | 1 | Class II violations (such as verbal/written warnings and potential violations identified in an inspection report) were issued in the past one year and corrective actions were immediately taken by the tenant. | |
| | 2 | Class I violations (identified in an inspection report and/or documented in an NAV) were issued in the past two years and corrective actions were taken by the tenant. | |
| | 3 | Class II violations were issued in the past one year, but corrective actions were NOT immediately taken by the tenant. | |
| | 4 | Class I violations were issued in the past two years, but corrective actions were NOT immediately taken by the tenant. | |
| | 5 | Civil penalties were assessed for non-compliance in the past two years. (**Automatic trigger to high risk designation**) | |
| **12** | **Training Attendance History** | | |
| | -2 | The tenant has attended all annual trainings during its tenancy. | |
| | -1 | The tenant has attended the most recent training. | |
| | 2 | The tenant has not attended the most recent training. | |
| | 4 | The tenant has never attended the training. | |
| **13** | **Site Condition and General Housekeeping** | | |
| | 0 | All activities are conducted indoors and have no or minimal potential for discharge of pollutants. General housekeeping is in good condition. | |
| | 1 | All activities are conducted indoors and have minimal potential for discharge of pollutants. General housekeeping is in average or fair condition. | |
| | 2 | Activities are conducted indoors and outdoors, and general housekeeping is in good condition (e.g., sources of pollutants are properly managed). | |
| | 3 | Activities are conducted indoors and outdoors and have minimal to moderate potential for discharge of pollutants. General housekeeping is in fair or above average condition. | |
| | 4 | Activities are conducted outdoors and have moderate potential for discharge of pollutants. General housekeeping is in fair condition. | |
| | 5 | Activities are conducted outdoors and pose a significant threat to the environment. (***Automatic trigger to high risk designation*** ) | |
| **14** | **Lease Agreement and/or Revocable Permit Requirements** | | |
| | 0 | Tenant appears to be in compliance with environmental requirements in their tenant lease or revocable permit. | |
| | 5 | Tenant is not in compliance with their revocable permit or lease. (**Automatic trigger to high risk designation**) | |

**Total Risk Ranking Score:** 0

**Tenant Risk Ranking Category:** _____

# Attachment 5

# Stormwater Hotline Occurrence Tracking Form

**Hawaii Department of Transportation – Harbors Division**

# Stormwater Hotline Occurrence Tracking (SHOT) Form

| LINE ITEM | FORM FIELD | | |
|---|---|---|---|
| **Caller Information** | | | |
| **Caller Name** | | | |
| Caller Company | | | |
| Telephone Number | | | |
| Email Address | | | |
| Date/Time Received | | | |
| **Occurrence Information (Fill in Corresponding Section, if checked)** | | | |
| ☐ Information Request | ☐ Discharge Reporting | ☐ Complaint | ☐ Commendation |
| **Information Request** | | | |
| Information Requested | | | |
| Actions Taken | | | |
| Additional Information | | | |
| **Discharge Reporting** | | | |
| Address or Location of Discharge | | | |
| Time/Date of Discharge | | | |
| Substance/Amount Discharged (if known) | | | |
| Media into which the discharge occurred: ☐ Air ☐ Water ☐ Natural Ground ☐ Concrete/Asphalt ☐ Stream ☐ Ocean Other:_____ | | | |
| Responsible Party (if known) | | | |
| Cause of Discharge (if known) | | | |
| Clean-up Actions Taken (if applicable) | | | |
| Notifications Made/Actions Taken by Harbors Division | | | |
| Follow Information | | | |

| LINE ITEM | FORM FIELD |
|---|---|
| **Complaint** | |
| Nature of Complaint | |
| Complaint Details | |
| Notifications Made/Actions Taken by Harbors Division | |
| **Commendation** | |
| Commendation Details | |
| Notifications Made/Actions Taken by Harbors Division | |

**Points of Contact for Immediate Response**

In the event of an emergency needing immediate response, call the numbers listed below:

| **Point of Contact** | **Telephone Number** |
|---|---|
| Harbors Traffic Control Center | 808-587-2076 |
| Marine Cargo Specialist | 808-587-2053 |
| City and County of Honolulu Environmental Concern Hotline | 808-768-3300 |
| Department of Health, Clean Water Branch | 808-586-4309 |
| National Response Center (United States Coast Guard) | 1-800-424-8802 |

# Attachment 6

# Low-Risk Tenant Reconnaissance Inspection Form

# State of Hawaii Department of Transportation Harbors Division
# Low-Risk Tenant Reconnaissance Inspection Form

Harbor: _____ Date/Time: _____
Inspector(s): _____ Weather Conditions: _____

| | | | |
|---|---|---|---|
| Tenant Business Name: | | | |
| Tenant Permit(s): | | | |
| Facility Location: | | | |
| Facility Mailing Address: | | | |
| Tenant Representative: | | | |
| Phone Number: | | Mobile Number: | |
| Fax Number: | | E-mail Address: | |
| EPA ID No. (if any): | | IWDP No. (if any): | |

**Facility Description:**

**Site Drainage Description (including stenciling):**

**Any illicit discharge into Harbors storm water drainage system?** ☐ Yes ☐ No ☐ N/A

If "Yes", please describe here: ☐ Please check here if a follow-up inspection is necessary.

**Related Risk Ranking Criterion:**

**Remarks:**

☐ No significant changes (Please check here if no status change. Otherwise, please specify any changes below)

# Attachment 7

# Suspected Illicit Discharge Reporting Form

Hawaii Department of Transportation – Harbors Division

# Suspected Illicit Discharge Reporting Form

**General Information: Use this form to report a suspected illicit discharge. If you are unsure, please contact your supervisor or HAR-EE. Examples of illicit discharges: uncontained vehicle/equipment/building/sidewalk washing, sink discharging directly to ground or storm drain inlet, petroleum spills/sheens, unpermitted vessel discharges, uncontained vessel painting/chipping/sandblasting/cleaning, etc.**

| Observer Information | | | |
|---|---|---|---|
| Name: | | | |
| Office Code: | | Telephone Number: | |
| Report Date: | | | |

| Description of Suspected Illicit Discharge | | | |
|---|---|---|---|
| Address or Location: | | Date and Time: | |
| Description: (Include Substance and Amount, if known) | | | |

Media into which the discharge occurred:

☐ Air ☐ Natural Soil ☐ Concrete/Asphalt Pavement ☐ Stream ☐ Ocean ☐ Other:_____

| | |
|---|---|
| Responsible Party: (if known) | |
| Cause of Discharge: (if known) | |
| Clean-up Actions: (if applicable) | |
| Notifications Made: | |

**Please forward completed form and/or picture(s) to HAR-EE office. Fax Number: (808) 587-1964**

| Point of Contact for Reporting | |
|---|---|
| **Agency** | **Telephone Number** |
| Harbor Traffic Control (Aloha Tower) | (808) 587-2076, (808) 368-5993 (Cellular) |
| Hawaii Department of Transportation Harbors Division, Engineering Environmental Section [HAR-EE] | (808) 587-1962, (808) 587-1976, (808) 587-1960 |

Additional Follow-up By HAR-EE (to be filled by HAR-EE):

# Attachment 8

# List of Alternative Products for Cleaning

## Alternative Products for Cleaning

| | |
|---|---|
| Battery Acid | Use baking soda to absorb a spill. |
| Bleach | As a substitute, try borax powder available at grocery stores. |
| Brass Cleaner | Use vinegar and a clean dry rag to remove tarnish. |
| Drain Opener | Pour ¼ cup baking soda down the drain, follow with ½ cup vinegar. Allow the effervescent mix to bubble for 30 minutes. Finish the job by flushing the drain with boiling water. For tough clogs, try using a plumber's snake. |
| Fiberglass Stain | Baking soda and water mixed into a paste works great on Formica. |
| Floor Cleaner | Use one cup of white vinegar in two gallons of water. |
| General Cleanser | Dissolve one teaspoon of borax in one quart of warm water. For tough jobs, use a ½ cup of borax and a splash of vinegar in water. |
| Hand Cleaner | Instead of paint thinner try washing soda (sodium bicarbonate), found in the laundry section of most grocery stores. Washing soda is caustic, so be sure to use plenty of water. |
| Mildew Remover | Mix equal parts of lemon juice and salt or vinegar and salt. Use a plastic spray bottle to spray on outside canvas. |
| Paper Towels | Use cloth rags that can be washed and re-used. |
| Scouring Powders | Baking soda with a plastic "bun" scrubber works great on porcelain head and shower tiles. |
| Shower Cleaner | Wet surface, sprinkle with baking soda, and scrub. |
| Soap | Use phosphate-free products available at most grocery and health food stores. |
| Wood Polish | For interior wood use one teaspoon lemon juice with two teaspoons vegetable oil. Apply mixture with a clean, dry cloth. |

# Attachment 9

# List of Major Environmental Regulations

## Major Environmental Regulations

Harbors has identified a major list of environmental regulations applicable to their activities and operations. The list includes stormwater management under the Clean Water Act [CWA]; petroleum products storage under the Spill Prevention, Control, and Countermeasure [SPCC] rule; waste management including hazardous waste, used oil, and universal waste; storage tank management; and hazardous substance/chemical storage under the Emergency Planning and Community Right-to-Know Act [EPCRA]. These regulations are reflected and implemented through using Harbors revised *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (Attachment 4) during inspections.

### 1. Clean Water Act and National Pollutant Discharge Elimination System

The CWA (contained in 33 United States Code [USC] §§ 1251 to 1387) is the primary federal statute that addresses water pollution in the United States. It establishes the basic structure for regulating discharges of pollutants into waters of the United States and establishing quality standards for surface waters. It also establishes a number of programs designed to restore and protect the quality of nation's waters by eliminating the discharge of pollutants into surface waters. The CWA traces its roots to the Federal Water Pollution Control Act [FWPCA], which was originally enacted in 1948.

In 1972, congressional amendments to the FWPCA established the National Pollutant Discharge Elimination System [NPDES]. As authorized by the CWA, the NPDES program was established to control discharges of pollutants to navigable waters from point sources (e.g., industrial plants and municipal wastewater treatment facilities). Those discharges were authorized by permits issued under the program. The permits usually set numerical limitations on the authorized discharges (i.e., the composition and the concentration of pollutants in the effluent) and impose other conditions on the permittee. They give the permittee the right to discharge specified pollutants from specified outfalls for a limited period of time.

In 1987, the FWPCA was amended to include stormwater discharges as a significant source of water pollution. The NPDES program was also expanded to include non-point sources (e.g., stormwater runoff from construction sites, croplands, urban areas, etc.). Stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems [MS4s], and is often discharged directly into local water bodies without any treatment. To prevent harmful pollutants from being washed or dumped into an MS4, operators must submit a Notice of Intent [NOI] to seek coverage under NPDES program, and develop a stormwater management program to reduce the contamination of stormwater runoff and prohibit illicit discharges.

In 1990, the Environmental Protection Agency [EPA] promulgated regulations (contained in 40 Code of Federal Regulations [CFR] Parts 122, 123, and 124) to establish permit programs for stormwater discharges. It required medium and large cities or certain counties with populations of 100,000 or more, and construction activities disturbing five acres or more of land to obtain

NPDES permit coverage for their stormwater discharges. These regulations are referred to as the "Phase I Program." In 1999, the EPA published the Storm Water Phase II Final Rule and expended the Phase I Program by extending NPDES coverage to small MS4s in and/or outside the urbanized areas, and to construction activities that disturb between one and five acres of land to obtain NPDES permit coverage for their stormwater discharges (EPA, 2000).

Generally, coverage under NPDES program is required for any discharge of a pollutant from a point source to nation's waters. Individual homes that are connected to a municipal system, use a septic system, or do not discharge to any surface water do not need to apply for an NPDES permit. However, industrial, municipal, and other facilities must obtain permits if their discharges flow directly to surface waters. In addition, most stormwater discharges are considered point sources and require coverage under NPDES program. In most cases, the NPDES program is administered by authorized states.

For the State of Hawaii, the EPA has delegated authority to the HDOH Clean Water Branch [CWB], to administer the NPDES program including permit coverage issuance (to municipalities, industries, and construction projects), enforcement, program related regulatory & policy development, and other pertinent program elements. Meanwhile, the EPA continues to maintain overall enforcement authority. State water quality regulations have been codified in the Hawaii Administrative Rules [HAR] Title 11 Chapter 54 (Water Quality Standards) and HAR Title 11 Chapter 55 (Water Pollution Control). Hawaii Revised Statutes [HRS] Title 19 Chapter 342D provides the State with the procedures, rules, and regulations for the enforcement of the State's Clean Water Program.

## A. 40 CFR Parts 122 to 124 – EPA Administered Permit Programs: The National Pollutant Discharge Elimination System

The regulatory provisions contained in these parts implement the NPDES program under sections 301, 318, 402, and 405 of the CWA. These parts cover the basic EPA permitting requirements (40 CFR Part 122) and minimum requirements for administering the approved state program (40 CFR Part 123); as well as procedures for EPA processing of permit applications and appeals (40 CFR Part 124). These provisions also establish the requirements for public participation in the EPA and state permit coverage issuance and enforcement and related variance proceedings, and in the approval of state NPDES programs.

## B. HAR Title 11 Chapter 54 – Water Quality Standards

This chapter establishes water quality standards applicable for the state waters (defined in HAR 11-54-1 and HRS 342D-1) that shall be maintained and protected to ensure protection of human health. To ensure compliance, all state waters are subject to monitoring and to the numerical limitations for acute and chronic toxicity as established in this chapter. These regulations detail the following: definitions; general policy on water quality and anti-degradation; classification of state waters and water uses; basic water quality criteria applicable to all waters; uses and

specific criteria applicable to inland waters, marine waters, and recreational areas; zones of mixing; water quality certification and components; revisions; and severability.

### C. HAR Title 11 Chapter 55 – Water Pollution Control

This chapter became effective on October 22, 2007. This chapter establishes the application of general and individual NPDES permits for facilities in the State of Hawaii. The NPDES permit conditions include, but are not limited to, basic water quality criteria, permit coverage, onshore/offshore construction, sampling requirements and definitions, duties to comply/reapply/mitigate, operation and maintenance, inspection and entry, monitoring and recordkeeping, signatory requirement, reporting requirements, modification, renovation, penalties, remediation, civil and criminal liability, oil and hazardous substance liability, hearings, appeals, severability, public interest, and field citations. HAR Title 11 Chapter 55 also establishes general permit conditions for specific activities with the potential to impact the stormwater, including industrial activities ( HAR 11-55 Appendix B), construction activities (HAR 11-55 Appendix C), and construction activity dewatering (HAR 11-55 Appendix G).

## 2. Spill Prevention, Control and Countermeasure Rule

### A. 40 CFR Part 112 – Oil Pollution Prevention

Originally published in 1973 under the authority of Section 311 of the CWA, the Oil Pollution Prevention regulation (40 CFR Part 112) sets forth requirements for prevention of, preparedness for, and response to oil discharges at specific non-transportation related facilities. To prevent oil from reaching navigable waters and adjoining shorelines, and to contain discharges of oil, the regulation requires these facilities to develop and implement SPCC plans and establishes procedures, methods, and equipment requirements (Subparts A, B, and C). On December 5, 2008, the Federal Register published EPA's final rule to amend the SPCC rule. This regulation includes requirements for facilities to prepare, amend, and implement SPCC plans to prevent discharges of oil to navigable waters and adjoining shorelines.

To determine if a facility is subject to the SPCC rule, it must meet three criteria:

- It must be non-transportation-related;
- It must have an aggregate aboveground storage capacity greater than 1,320 gallons or a completely buried underground storage capacity greater than 42,000 gallons; and
- There must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines.

When calculating oil storage capacity, the facility should not count containers less than 55 gallons; completely buried tanks that are subject to all of the technical requirements of the Underground Storage Tank [UST] Regulation (40 CFR Part 280) or all of the technical requirements of a state UST program (HAR 11-281) approved under 40 CFR Part 281;

containers that are permanently closed as defined in 40 CFR Part 112.2; or parts of the facility used exclusively for wastewater treatment and not used to satisfy any requirement of 40 CFR Part 112. Preparation of the SPCC plan is the responsibility of the facility owner or operator.

### B. 40 CFR Part 110 – Discharge of Oil

The regulations of this part apply to the discharge of oil prohibited by Section 311(b) (3) of the CWA. For purposes of Section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator of the EPA has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:

Violate applicable water quality standards; or
Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

According to 40 CFR Part 110.6, “Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of Section 311(b)(3) of the Act, immediately notify the National Response Center [NRC] (800-424-8802). If direct reporting to the NRC is not practicable, reports may be made to the United States Coast Guard [USCG] or EPA predesignated On-Scene Coordinator [OSC] for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest USCG unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.” The procedures for such notice are set forth in USCG regulations (33 CFR 153, Subpart B) and in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300, Subpart E).

## 3. Waste Management Regulations

The Resource Conservation and Recovery Act (42 USC §§ 6901), commonly referred to as RCRA, is the primary law governing the disposal of solid and hazardous waste in United States. Congress passed RCRA on October 21, 1976, which amended the Solid Waste Disposal Act [SWDA] of 1965. RCRA gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste (40 CFR Parts 260 through 272). RCRA also set forth a framework for the management of non-hazardous solid wastes (40 CFR Parts 273 through 279). The 1986 amendments to RCRA further address environmental problems that could result from underground tanks storing petroleum and other hazardous substances (40 CFR Parts 280 through 282).

RCRA set national goals for protecting human health and the environment from the potential hazards of waste disposal, conserving energy and natural resources, reducing the amount of waste generated, and ensuring that wastes are managed in an environmentally-sound manner. To achieve these goals, RCRA established three distinct programs as follows:

- The hazardous waste program regulated under RCRA Subtitle C.
- The solid waste program regulated under RCRA Subtitle D.
- The UST program regulated under RCRA Subtitle I.

For the State of Hawaii, the EPA has delegated authority to HDOH Solid and Hazardous Waste Branch [SHWB] to administer the solid and hazardous waste management control program including permit issuance, inspections, compliant response, enforcement, technical assistance & training, program related regulatory & policy development, and other pertinent program elements. Meanwhile, EPA continues to maintain overall enforcement authority.

State solid and hazardous waste management control regulations are codified in the HAR Title 11 Chapter 58.1 (Solid Waste Management Control, in draft), Chapters 260 through 271 and 280 (Hazardous Waste Management), Chapter 273 (Universal Waste Management), Chapter 279 (Management of Used Oil), Chapter 281 (Underground Storage Tanks), and Chapter 282 (Deposit Beverage Container Recycling). Functionally, the SHWB consists of three implementing sections (Hazardous Waste Section, Office of Solid Waste Management, and Underground Storage Tank Section), one support group (Pollution Prevention and Waste Minimization Program), and program administration.

### A. Solid Waste Management Control - HAR Title 11 Chapter 58.1 (In Draft)

The purpose of this chapter is to establish minimum standards governing the design, construction, installation, operation, and maintenance of solid waste disposal, recycling, reclamation, and transfer systems. These standards are intended to prevent pollution of the drinking water supply or waters of the State of Hawaii; prevent air pollution; prevent the spread of disease and the creation of nuisances; protect the public health and safety; conserve natural resources; and preserve and enhance the beauty and quality of the environment.

These regulations detail the following: general provisions (Subchapter 1); requirements for solid waste disposal facilities (Subchapter 2); requirements for solid waste storage, handling, and processing facilities (Subchapter 3); requirements for solid waste reclamation facilities (Subchapter 4); requirements for special waste management (Subchapter 5); solid waste management responsibilities (Subchapter 6); penalties, remedies, and severability (Subchapter 7).

### B. Hazardous Waste Regulations - 40 CFR Parts 260 through 272 and HAR Title 11 Chapters 260 through 271 & 280

Enforced by EPA, 40 CFR Parts 260 through 272 establishes regulations for hazardous waste management including identification and listing of hazardous waste; standards applicable for generators of hazardous waste; standards applicable to transporters of hazardous waste; standards for owners and operators of hazardous waste treatment, storage, and disposal facilities; standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities; standards for owners and operators of hazardous waste facilities operating under a standardized permit; land disposal restrictions; EPA administered permit programs; and requirements for authorization and approval of state hazardous waste programs.

Enforced by HDOH, HAR Title 11 Chapters 260 through 271 and 280 establishes rules governing hazardous waste management in the State of Hawaii. HAR 11-260 through 11-270, are patterned after the regulations promulgated in 40 CFR 260 through 270, respectively. All references in tables and appendices to provisions of the CFR shall be construed to mean the state rule analogue of the referenced federal regulation (e.g., 40 CFR 260.1 shall be construed to mean section 11-260-1 of the HAR). The list of regulations applicable to Harbors is discussed below.

40 CFR Part 260 (HAR Title 11 Chapter 260) – Hazardous Waste Management System: General

This Part provides purpose, scope, applicability, definitions, references, general standards, and overview information applicable to the remainder of the hazardous waste rules.

40 CFR Part 261 (HAR Title 11 Chapter 261) – Identification and Listing of Hazardous Waste

These regulations can be used to determine whether the waste is a solid waste and then to determine if it is a hazardous waste based on the characteristics exhibited by the waste and listed wastes (i.e., ignitability, corrosivity, reactivity, and toxicity; 40 CFR Subpart C). List of hazardous wastes regulated by the EPA is contained in 40 CFR Subpart D. They also specify special requirements for hazardous waste generated by conditionally exempt small quantity generators [CESQG], residues of hazardous waste in empty containers, polychlorinated biphenyls [PCB] wastes regulated under Toxic Substance Control Act [TSCA], recyclable materials, and universal waste.

40 CFR Part 262 (HAR Title 11 Chapter 262) – Standards Applicable To Generators of Hazardous Waste

This Part establishes standards for generators of hazardous waste including but not limited to hazardous waste determination; EPA identification numbers; general requirements for hazardous waste manifest; pre-transportation requirements for hazardous waste packaging, labeling, marking, placarding, and accumulation time; recordkeeping and reporting; and imports/exports of hazardous waste.

These standards can be utilized to make a hazardous waste determination, identifying the operator's generator status based on quantity of hazardous waste generated per calendar month, and managing the hazardous waste in accordance with the requirements for different generators. The hazardous waste generators are classified into Large Quantity Generator [LQG], Small Quantity Generator [SQG], and CESQG. A generator's "status" is defined by the type of hazardous waste created and the quantity of waste that is generated and stored onsite. It is important that container weight and universal waste weight is not included in the total. Detailed discussion for each type of generator is listed below:

CESQGs generate 100 kilograms (220 pounds) or less of hazardous waste and 1 kilogram (2.2 pounds) or less of acutely hazardous waste in one calendar month. A CESQG must identify all the hazardous waste generated. CESQG cannot accumulate 1,000 kilograms (2,205 pounds) or more of hazardous waste and more than 1 kilogram (2.2 pounds) of acute hazardous waste at any time. A CESQG does not need to acquire an EPA RCRA identification number. Use of a Hazardous Waste Manifest form is not required but recommended.

SQGs generate more than 100 kilograms (220 pounds) and less than 1,000 kilograms (2,205 pounds) of hazardous waste and 1 kilogram (2.2 pounds) or less of acutely hazardous waste in one calendar month. An SQG may accumulate hazardous waste on site for 180 days without a permit (or 270 days if shipping a distance greater than 200 miles). A SQG cannot accumulate 6,000 kilograms (13,228 pounds) or more of hazardous waste and more than 1 kilogram (2.2 pounds) of acute hazardous waste at any time. An SQG needs to acquire an EPA RCRA identification number, and needs to use a Hazardous Waste Manifest form. There must always be at least one employee available to respond to an emergency. This employee is the emergency coordinator responsible for coordinating all emergency response measures. SQGs are not required to have detailed, written contingency plans.

LQGs generate 1,000 kilograms (2,205 pounds) or more of hazardous waste or 1 kilogram (2.2 pounds) or more of acute hazardous waste in one calendar month. An LQG does not have a limit on the amount of hazardous waste accumulated on site, but may store hazardous waste on-site for up to 90 days. An LQG needs to acquire an EPA RCRA ID Number, needs to use a Hazardous Waste Manifest form, and must submit a biennial hazardous waste report. There must always be at least one employee available to respond to an emergency. This employee is the emergency coordinator responsible for coordinating all emergency response measures. Furthermore, an LQG needs to comply with the requirements for personnel training, preparedness and prevention, detailed contingency plans and emergency procedures.

In addition, the generator must comply with the applicable requirements associated with the containment used to store hazardous waste. All generators must ensure that hazardous waste is delivered to a person or facility that is authorized to manage it.

40 CFR Part 263 (HAR Title 11 Chapter 263) – Standards Applicable To Transporters of Hazardous Waste

This Part establishes standards which apply to persons transporting hazardous waste within the United States if the transportation requires a manifest under 40 CFR Part 262 (or HAR 11-262). Note that these regulations do not apply to on-site transportation of hazardous waste by generators/owners/operators of permitted hazardous waste management facilities. A transporter of hazardous waste must also comply with other applicable Parts within 40 CFR (and/or HAR Title 11), where applicable. This Part also describes the standards for transporter; EPA identification numbers; transfer facility requirements; compliance with the manifest system and recordkeeping; and immediate action and clean up.

## C. Universal Waste Management – 40 CFR Part 273 and HAR Title 11 Chapter 273

This Part establishes requirements for managing of acceptable universal wastes, including batteries, pesticides, mercury-containing equipment, and lamps (bulbs). This Part provides an alternative set of management standards in lieu of regulation under 40 CFR Parts 260 through 272. It lists definitions of universal waste; standards for small and large quantity handlers of universal waste (e.g., applicability, prohibitions, notification, waste management, labeling and marking, accumulation time limits, employee training, response to releases, off-site shipments, tracking universal waste shipments, exports, etc.); standards for universal waste transporters; standards for destination facilities; import requirements, and petitions to include other wastes under 40 CFR Part 273. The universal waste regulations discussed within this paragraph are not applicable to the conditionally exempt small quantity generators of hazardous waste (40 CFR Part 273.8).

## D. Standards for the Management of Used Oil - 40 CFR Part 279 and HAR Title 11 Chapter 279

On July 30, 2003, EPA established standards for the management of recycled used oil. These standards were further corrected and published on July 14, 2006, as a final rule. This Part establishes used oil management requirements including definitions of used oil; applicability, specifications, prohibitions; standards for used oil generators, transporter and transfer facilities, processors, burners who burn off-specification used oil for energy recovery, fuel marketers (e.g., applicability, hazardous waste mixing, storage, on-site burning, off-site shipments, restrictions, notification, transportation, rebuttable presumption, storage, tracking, residue management, reporting); standards for used oil collection centers and aggregation points; standards for disposal of used oil; and used oil and used oil fuel permitting system.

## E. UST Regulations - 40 CFR Part 280 and HAR Title 11 Chapter 281

This Part applies to all owners and operators of a UST system as defined in 40 CFR 280.12 except as otherwise provided in paragraphs (b), (c), and (d) of 40 CFR 280.10. This Part establishes UST regulations including:

- Program scope and interim prohibition (i.e., applicability, definitions, and interim prohibition for deferred UST systems);
- Design, construction, installation and notification (i.e., performance standards for new UST systems, upgrading of existing UST systems, and notification requirements);
- General operating requirements for spill and overfill control, operation and maintenance of corrosion protection, compatibility, repairs allowed, and reporting and recordkeeping;
- Release detection (i.e., general requirements for all UST systems, requirements for petroleum and hazardous substance UST systems, methods of release detection for tanks and piping, and release detection recordkeeping);
- Release reporting, investigation, and confirmation (reporting of suspected releases, investigation due to off-site impacts, release investigation and confirmation steps, and reporting and cleanup of spills and overfills);
- Release response and corrective action for UST systems containing petroleum or hazardous substances (i.e., initial response, initial abatement measures, initial site characterization, free product removal, investigations for soil and groundwater cleanup, corrective action plan, and public participation);
- Out-of-service UST systems and closure (i.e., temporary closure, permanent closure and change-in-service, assessing the site at closure or change-in-service, applicability to previously closed UST systems, and closure records); and
- Financial responsibility.

### F. HAR Title 11 Chapter 104.1 - Management & Disposal of Infectious Waste

This chapter establishes minimum requirements for the management, treatment, transport, storage, and disposal of infectious waste and treated infectious waste in order to ensure practices that will protect the health and safety of persons living in the State of Hawaii. This chapter includes definition of infectious waste and storage, prohibited acts, categories of infectious waste; handling, transportation, and disposal requirements of untreated infectious waste within a generating facility; treatment and storage of treated infectious waste within a generating facility; transportation of infectious waste for treatment away from the generating facility and disposal of treated/untreated infectious waste, required elements of infectious waste management plan, exemption for placenta; and enforcement, penalties and severability.

## 4. Emergency Planning and Community Right-To-Know Act

The EPCRA of 1986 (42 USC §§ 11002 and 11003), a federal law, was created to help communities plan for emergencies involving hazardous substances. It establishes requirements for federal, state, local governments, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The EPCRA

provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment, States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment. There are four major provisions of EPCRA, including:

- Emergency Planning (EPCRA Sections 301 through 303; 40 CFR Part 355)
- Emergency and Accidental Release Notification (EPCRA Section 304; 40 CFR Part 355)
- Hazardous Chemical Storage Reporting (EPCRA Sections 311 and 312 (Tier II); 40 CFR Part 370)
- Toxic Chemical Release Inventory (commonly referred to as TRI or Form R; EPCRA Section 313; 40 CFR Part 372)

In 1993, the Hawaii Emergency Planning and Community Right-to-Know Act [HEPCRA] became law (HRS 128E). It promulgated the federal EPCRA requirements in the State of Hawaii. This statute establishes planning, reporting, emergency notification, and public information access requirements related to hazardous chemicals. It also creates the Hawaii State Emergency Response commission [HSERC], which is established within the HDOH, as well as Local Emergency Planning Committees [LEPC], which are located in each county of Hawaii to implement emergency response planning and related actions. If a facility stores extremely hazardous substances [EHS] above threshold planning quantities [TPQs] published in 40 CFR 355 Appendices A and B, or if the facility stores 10,000 pounds or more of a hazardous material, the facility is subject to HEPCRA.

### A. 40 CFR Part 355 – Emergency Planning and Notification

This Part establishes the list of EHS, TPQs, and facility notification responsibilities necessary for the development and implementation of state and local emergency response plans. These regulations include purpose, definition, emergency planning, emergency release notifications, penalties, and the regulated list of extremely hazardous substances and their TPQs.

### B. 40 CFR Part 370 – Hazardous Chemical Reporting: Community Right-to-Know

This Part establishes reporting requirements which provide the public with important information on the hazardous chemicals in their communities for the purpose of enhancing community awareness of chemical hazards and facilitating development of state and local emergency response plans. These regulations include purpose, definitions, penalties; reporting requirements (i.e., applicability, material safety data sheets [MSDS] reporting, inventory reporting, and mixtures); public access and availability of information (i.e., request and provision for information; and inventory forms (i.e., Tier I emergency and hazardous chemical inventory form, and Tier II emergency and hazardous chemical inventory form).

### C. 40 CFR Part 372 – Toxic Chemical Release Reporting: Community Right-to-Know

This Part sets forth requirements for the submission of information relating to the release of toxic chemicals under Section 313 of Title III of the Superfund Amendments and Reauthorization Act [SARA] of 1986. The information collected under this Part is intended to inform the general public and the communities surrounding covered facilities about releases of toxic chemicals, to assist research, to aid in the development of regulations, guidelines, and standards, and for other purposes. These regulations also set forth requirements for suppliers to notify persons to whom they distribute mixtures or trade name products containing toxic chemicals that they contain such chemicals.

These regulations include scope and purpose, definitions, persons subject to this part, recordkeeping, and compliance and enforcement; reporting requirements (i.e., covered facilities for toxic chemical release reporting, and North American Industry Classification System [NAICS] codes (also refers to as Standard Industrial Codes [SIC]) to which this Part applies, thresholds for reporting, alternate thresholds and certification, lower thresholds for chemicals of special concern, reporting requirements and schedule for reporting, and exemptions); supplier notification requirements (i.e., notification about toxic chemicals); specific toxic chemical listings; and toxic chemical release reporting forms and instructions.

## D. HAR Title 11 Chapter 451 – State Contingency Plan

Adopted on August 2, 1995, this chapter establishes the Hawaii State Contingency Plan [SCP] in order to implement, administer, and enforce the HRS chapter 128D (Hawaii Environmental Response Law [HERL]). These regulations are based on the National Contingency Plan [NCP] (administrative rules under Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], which is also known as “Superfund”). The SCP identifies hazardous substances, pollutants, or contaminants, which are subject to the requirements and procedure. It also designates any release of hazardous substances, pollutants, or contaminants in quantities equal to or exceeding their reportable quantities, or any threat of release of hazardous substances, pollutants, or contaminants which poses or which may pose a substantial endangerment to public health or welfare, the environment, or natural resources, and all action taken pursuant to HRS chapter 128D, or these rules. The SCP details notification of releases, hazardous substance response, natural resources, activities by other persons, administrative records, and entry and access.

# Attachment 10

# Training Materials for Inspector

## INSPECTION DESCRIPTION

The risk ranking process determines the list of tenants to be inspected and appropriate inspection frequency. The primary purpose of the inspection is to evaluate how facility operations comply with Harbors stormwater management program, major environmental laws, applicable BMPs, pollution prevention [P2], and relevant clauses contained within a lease agreement (or revocable permit). Environmental compliance, BMP, and P2 information for each of the fourteen inspection criteria are discussed in Section I.

The second purpose for the inspection is to develop and maintain an accurate inventory of environmental assets owned and/or operated by each tenant. These assets are discussed in Section II. The third purpose for the inspection is to confirm compliance with environmental laws regulated by EPA, HDOH, HDOT, and other agencies. In addition, these routine inspections will identify any potential violation and assist in providing any corrective action, if necessary. Inspections are conducted under the following circumstances:

- **Routine Inspections** are required under stormwater management program and based on individual tenant's risk ranking;
- **Follow-up Inspections** are to be conducted, after investigation inspection, to verify that necessary corrective actions are implemented;
- **Initial Site Inspections** or **New Tenant Inspections** are conducted to evaluate new tenant operations;
- **Final Site Inspections** are conducted to evaluate environmental conditions in tenant areas subject to lease (or revocable permit) termination.
- **Reconnaissance Inspections** are conducted at low risk-ranked tenant facilities as an annual evaluation tool.
- **Investigation Inspections** are to investigate reported illicit discharges to receiving water and/or Harbors stormwater drainage system;

Other inspections include **Joint Inspections**, which are conducted jointly with HDOH and/or EPA representatives. The above-listed inspections are further discussed below.

### Section I - Compliance, BMP, and P2 Information

Compliance is the state of being in accordance with the relevant federal and regional authorities and their requirements. In order to assist tenants to remain in compliance with Harbor's stormwater management program, major environmental laws, and relevant clauses (or Terms and Conditions) contained within lease agreement and/or revocable permit, Harbors has identified and implemented several means of disseminating related information to tenants. These means include, but are not limited to, providing *Annual Storm Water Pollution Prevention Awareness Training*, sending out informative brochures, providing technical support and assistance during inspections, and mailing out the inspection reports to keep tenants informed of their compliance status.

BMPs are defined as a schedule or schedules of activities, prohibitions or designations of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to receiving water and/or Harbors stormwater drainage system. BMPs include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BMPs related to treatment control utilize physical devices or systems that remove pollutants from stormwater. BMPs related to operational practices intend to prevent pollutants from entering surface waters and/or Harbors stormwater drainage system, by altering activities to eliminate and minimize the pollution. BMPs related to spill response rely on a combination of structural controls, employee awareness, and relevant training to be effective methods for protection of environment.

Harbors always encourages the tenants to implement applicable BMPs and P2 measures to further aid in preventing discharge of pollutants. The tenants should be aware of the requirements of the inspection checklist and understand how their operations could impact the environment. Applicable BMPs associated with the fifteen inspection criteria are included in Attachment 3. Some of them are based on the November 2011 City and County of Honolulu [CCH] publication (CCH, 2011), "*Storm Water Best Management Practice Manual for Construction*." Brief descriptions of typical operations and the accompanying key inspection criteria are discussed below.

**1. Elimination of Non-Stormwater Discharges to Stormwater Drainage System**

This is a general BMP applicable to all tenants. Non-stormwater discharges can be classified as 1) activity-based (subtle) or 2) overt (hard-pipe connection). Activity-based non-stormwater discharges may include wash water, tank overflows, and spillage. Overt non-stormwater discharges are flows piped to Harbors stormwater drainage system. These flows may include processed wastewater, treated cooling water, and treated sanitary wastewater. Non-stormwater discharges can be detected during storm drains and tenant routine inspection. In addition, overt connections can also be detected during the outfall reconnaissance inspection and engineering plan review process. The key inspection criteria for activity-based and overt discharges are listed in Table 1.

Certain non-stormwater discharges are permitted by regulations, and therefore, exempted from the program. The discharge of pollutants to Harbors stormwater drainage system shall be reduced to the MEP. The following non-stormwater discharges may be discharged into Harbors stormwater drainage system, provided that such discharges do not contain pollutants in amounts that will cause or contribute to a violation of an applicable water quality standard.

- Water line flushing;
- Landscape irrigation;

- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources and foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps and footing drains;
- Lawn watering runoff;
- Water from individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Residual street wash water;
- Discharges flows resulted from firefighting activities.

**Table 1**
**Elimination of Non-Stormwater Discharges to Stormwater Drainage System**

| Subject | Key Inspection Criteria |
|---|---|
| Activity-based | • Identify facility areas exposed to stormwater which are wet during dry weather, or are stained.<br>• Inspect discharge points to the stormwater drainage system to identify uncharacteristic volume, color, turbidity, odor, floatables, or foaming. |
| Overt | • Inspect each discharge point to the stormwater drainage system during dry weather.<br>• Ask the tenant to identify the discharge pathway of all floors and drains. Review as-built drawings as needed to verifying piping schematics. |

## 2. Vessel, Equipment, and Vehicle Maintenance and Repair

The outstanding features of Hawaii's climate include mild temperatures throughout the year (70s to 90s degrees of Fahrenheit [ºF]), moderate humidity, persistence of northeasterly trade winds, significant differences in rainfall within short distances, and infrequent severe storms. Generally, weather in Hawaii is very consistent, with only minor changes in temperature throughout the year. For the majority of Hawaii, there are only two seasons – summer (from May to October) and winter (from November to April).

Due to the mild climate in Hawaii, vessel, equipment, and vehicle maintenance and repair activities are usually conducted in uncovered areas. Accordingly, the potential for discharge of pollutants to the environment from these activities is very high. Therefore, conducting maintenance and repair activities in authorized areas are critical to the success of this BMP.

Additional state and federal regulations apply to some aspects of maintenance operations. These include, but are not limited to, federal and state solid and hazardous waste regulations, sewer use ordinances, and the Uniform Fire Code. Issues related to maintenance areas can be addressed with a combination of these regulatory tools. The key inspection criteria related to vessel (dry-docked or on-land ONLY), equipment, and vehicle maintenance and repair are listed in Table 2.

**Table 2**
**Vessel, Equipment, and Vehicle Maintenance and Repair**

| Subject | Key Inspection Criteria |
|---|---|
| Work Area | • Verify that maintenance/repair works occur in an authorized area.<br>• Verify that storm drain inlets are protected from potential discharge of pollutants, and cleaned on a regular basis.<br>• Verify that maintenance/repair areas are not hosed down; instead, the areas are cleaned using dry methods. |
| Equipment | • Verify that greasy and leaking equipment are stored under cover with oil drip pans or other secondary containment.<br>• Verify that all fluids are drained and batteries are removed from salvage vessels, vehicles, and equipment. |
| Materials | • Evaluate hazardous materials (potentially hazardous substances) utilized and make suggestions for substitutions with recycled or less toxic products.<br>• Verify recycling or proper disposal of grease, oils, antifreeze, brake fluid, cleaning solutions, hydraulic and transmission fluids, solvents, paints, batteries, and filters. |
| Training | • Verify that maintenance/repair employees have received proper awareness training on stormwater BMPs and a hazard communication [HAZCOM] course. |

## 3. Vessel, Equipment, and Vehicle Fueling

Fuel transfer activities at Harbors tenant facilities occur at various locations and circumstances. Designated fueling areas are designed to prevent the run-on of stormwater and the run-off of spills. Certain fuel oil storage and transfer operations are regulated under 40 CFR Part 112 (Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities, commonly known as the SPCC Program). USTs used for fuel oil storage are regulated under HAR Title 11 Chapter 281. Furthermore, it is very common that vessel fueling operations occur while the vessel is still in the water. Due to the great potential of release to immediate receiving waters, fueling operations in water must adhere to USCG regulations, which is not discussed in this section.

Some Harbors tenants are subject to 40 CFR Part 112 and will need to develop and implement

a SPCC plan, which is further discussed in Section 4.1.11 (*Emergency Spill Cleanup Plan*). The key components of the BMPs related to fueling activities address some practical measures that should be followed independently and/or in conjunction with the tenant's SPCC plan. The key inspection criteria related to vessel (dry-docked or on-land ONLY), equipment, and vehicle fueling are listed in Table 3.

**Table 3**
**Vessel, Equipment, and Vehicle Fueling**

| Subject | Key Inspection Criteria |
|---|---|
| Fueling Area | • Ensure that the spill kits are readily available.<br>• Assess fueling area design, and make recommendations for installing a cover, dead-end sump, berms, or impervious surfacing if appropriate.<br>• Inspect sump or oil/water separator and query tenant on maintenance schedule.<br>• Query tenant on fueling location of mobile equipment. |
| Operations | • Check for staining in fueling areas, and evaluate whether adequate spill cleanup methods are routinely implemented.<br>• Evaluate cleanup practices (i.e., spent absorbent should be picked up and stored in an appropriate container, fueling areas should not be hosed down, and employees should be trained on fueling, spill cleanup practices, release notifications, and informed of SPCC plan if there is one). |
| Equipment | • Evaluate secondary containment devices (either portable or permanent used during fueling operations).<br>• Inspect visible piping, tanks, and hoses for signs of leakage, wear, or malfunction. |

## 4. Vessel, Equipment, and Vehicle Washing

Most of Harbors tenants are located in close proximity to the ocean, which would cause a relatively high rate of corrosion on metals. Therefore, there is an increased need to remove accumulated sediment from vessel (dry-docked or on-land), equipment, and vehicle. Wash racks equipped with oil/water separators and containment devices should be utilized for all washing operations on land, except for removal of salt from the exterior of the vessel using fresh water with low power, as noted in ***Tenant Inspection Manual - Section 4.4.3***.

Prior to conducting any vessel, equipment, or vehicle washing activity on site, the tenant must obtain a written consent from the Harbors. Unauthorized washing on Harbors property would result in an NAV or more severe enforcement.

All washing operations should be conducted in a manner that will contain potential pollutants. This can be accomplished through prohibiting the use of surfactants, using minimal water, utilizing secondary containments, and/or use less hazardous and more biodegradable materials.

A list of alternative products is included in Attachment 8 (NOAA, 2005). If possible, after necessary pretreatment, wash water should be discharged to sanitary sewer through a permitted connection or to a permitted underground injection well. The key inspection criteria related to vessel (on-land ONLY), equipment, and vehicle washing are listed in Table 4.

**Table 4**
**Vessel, Equipment, and Vehicle Washing**

| Subject | Key Inspection Criteria |
|---|---|
| Washing Area | • Evaluate area for optimal characteristics including cover, containment, surface integrity, slope, and run-on/run-off. |
| Wash Water Treatment | • Assess maintenance, cleaning, and disposal of materials from sumps and oil/water separators. |
| Equipment | • Inspect wash water collection, pretreatment, and reclamation system components for potential discharges.<br>• Evaluate storage and use of cleaning agents. |
| Permits | • Evaluate whether vessel or vehicle washing activity and related washing method is authorized by Harbors.<br>• Evaluate whether discharges to the sanitary sewer or an underground injection well are authorized. |
| Operations | • Evaluate whether all washing operations take place in approved areas. |

## 5. Container Storage

Storage of chemical products and new/used oil on-site is subject to federal (EPCRA; 40 CFR Part 355, 370, and 372) and state regulations (HAR Title 11 Chapter 451). In addition, storage of used oil is subject to specific management standards under 40 CFR Part 279 and HAR Title 11 Chapter 279.

The SPCC regulations (40 CFR Part 112) specify certain secondary containment requirements for aboveground storage of oil. This BMP extends the secondary containment requirement to all containers used for storage of oil and potentially hazardous substances outdoors. Waste handling and disposal is discussed in 7 - *Waste Handling and Disposal*. The key inspection criteria related to container storage are listed in Table 5.

**Table 5**
**Container Storage**

| Subject | Key Inspection Criteria |
|---|---|
| Storage Area | • Evaluate adequacy of secondary containment so that it is sufficient to hold the volume of the largest container plus additional 10% or greater capacity for accommodating precipitation.<br>• Evaluate containers, aboveground tanks, and piping for protection guards, such as bollards, to prevent vehicle or forklift damage. |
| Equipment | • Verify that aboveground oil tanks are equipped with overflow protection devices, which will shut down transfer pumps automatically, and relevant warning signs for operators.<br>• Inspect container integrity for signs of failure. |
| Operations | • Verify that all containers are clearly labeled to prevent misuse or accidental release.<br>• Evaluate management of secondary containment structures to prevent accumulation of stormwater and/or free product, and verify that tenant maintains the log for discharge of uncontaminated stormwater from secondary containment. |

## 6. Material Storage and Handling

This BMP related to the loading/unloading and temporary storage of non-petroleum materials and cargo. Fuel oil loading/unloading activities are covered in 3 - *Vessel, Equipment, and Vehicle Fueling*. Oil and potentially hazardous substance storage is covered in 5 - *Container Storage*.

Material storage and handling operations at a tenant's facility can include bilge servicing, sewage transfer, fire suppressant loading, cargo handling, neo-bulk cargo staging (e.g., construction materials such as lumber), dry-bulk handling (e.g., sand, aggregate, coal, scrap metal, Portland cement, etc.), other break-bulk cargo handling (e.g., miscellaneous general cargo), and associated temporary storage. Additionally, this BMP can also address pumping operations affiliated with the cleaning of tanks, sumps, piping, or pier areas. The key inspection criteria related to material storage and handling are listed in Table 6.

**Table 6**
**Material Storage and Handling**

| Subject | Key Inspection Criteria |
|---|---|
| Loading Area | • Evaluate design and identify opportunities to improve cover, grading, berms, downspout and storm drain locations, and parking orientation.<br>• Evaluate non-structural loading areas in proximity to storm drains, stains, or pavement degradation. |
| Bulk Storage | • Inspect all temporary storage areas and maintain good housekeeping in the areas. |
| Equipment | • Verify that adequate supplies of cleanup materials are readily available at material handling locations. |
| Operations | • Verify that leaks from transferring operation and spillage from hose disconnections are contained, absorbed, and disposed of properly.<br>• Review written operation plans and/or emergency spill cleanup plans. |
| Training | • Query tenant on spill prevention and response training of employees.<br>• Forklift drivers must receive proper training (Occupational Safety and Health Administration [OSHA] federal regulation 29 CFR 1910.178). |

## 7. Waste Handling and Disposal

Solid waste storage and management is regulated under HAR Title 11 Chapter 58.1 (in draft). Storage of hazardous waste is subject to specific management standards under the federal RCRA (40 CFR Parts 260 to 272) and state regulations (HAR Title 11 Chapters 260 through 271 and 280). These standards include the requirement for secondary containment of all hazardous waste containers as a spill prevention measure. Universal waste management is regulated under 40 CFR Part 273 and HAR Title 11 Chapter 273. Management and disposal of infectious waste is regulated under HAR Title 11 Chapter 104.1.

This BMP is intended to prevent or reduce the discharge of pollutants to the environment from waste handling activities by tracking waste from generation and storage to disposal. It also intends to reduce waste generation and disposal through source control (i.e., reduction, reuse, and recycling). In addition, this BMP aims on preventing run-on and run-off at waste management areas.

Waste handling and disposal related activities are regulated by both federal and state laws (see 5 – *Container Storage*). The high cost and regulation pertaining to waste handling and disposal provide incentives for reducing waste generation and identifying opportunities for reuse and recycling. Components of this BMP target both the required waste management activities and waste reduction efforts. The key inspection criteria related to waste handling and disposal are listed in Table 7.

**Table 7**
**Waste Handling and Disposal**

| Subject | Key Inspection Criteria |
|---|---|
| Storage Area | • Inspect all used oil and hazardous waste storage areas to assess integrity of secondary containment.<br>• Inspect all waste storage areas to ensure that dumpsters are covered and not leaking.<br>• Ensure that sediments and wastes are not tracked off site; |
| Operations | • Inspect all waste storage areas to ensure that incompatible wastes (such as acids and bases) are segregated and that all waste containers are labeled/marked and dated properly (refer to HAR Title 11 Chapters 260 through 280: Hazardous Waste Management for labeling requirements);<br>• Inspect waste storage containers for integrity (must be covered when not being filled as well as rust and dent-free).<br>• Inspect waste storage areas for signs of leaks or spills.<br>• Verify that all wastes are disposed of properly, and if applicable, query tenants on their hazardous waste generator status (CESQG, SQG, or LQG), obtain related EPA identification number, and verify that records related to waste generation and disposal are being kept.<br>• Evaluate training of employees handling waste. |
| Waste Reduction | • Maintain minimal inventory of chemical products to reduce potential spill and waste generation.<br>• Identify less toxic chemical substitutes to reduce hazardous waste generation.<br>• Reuse or recycle materials whenever possible.<br>• Evaluate processes generating wastes to identify modifications (e.g. double cleaning of parts, material substitutions or eliminations, etc.) that would minimize wastes. |

## 8. Pier, Building, and Ground Maintenance

Pier maintenance includes pier and marine structure repairing, and routine maintenance works (i.e., painting, carpentry, plumbing, and cleaning of operational areas). Building maintenance includes activities such as painting, roofing, pressure washing, and construction of a building. Ground maintenance includes cleaning of operational areas and application of fertilizers, biocides, herbicides, and pesticides. It also includes maintenance of the stormwater drainage system. These activities generate debris and pollutants that could come into contact with stormwater run-on and run-off. The key inspection criteria related to pier, building, and ground maintenance are listed in Table 8.

**Table 8**
**Pier, Building, and Ground Maintenance**

| Subject | Key Inspection Criteria |
|---|---|
| Pier Maintenance | • Evaluate temporary controls (such as tarps, booms, restricted use of wash water, and storm drain covers) to contain debris and pollutants.<br>• Evaluate cleaning methods for paved surfaces (such as sweeping over washing, and proper storage and disposal of sweeper debris).<br>• Evaluate cleaning schedule for the stormwater drainage system. |
| Building Maintenance | • Evaluate temporary controls (such as tarps, booms, restricted use of wash water, and storm drain covers) to contain debris and pollutants. |
| Ground Maintenance | • Evaluate cleaning methods for paved surfaces (such as sweeping over washing, and proper storage and disposal of sweeper debris).<br>• Encourage conservative utilization of fertilizers, biocide, herbicides, and pesticides with intention of maximizing absorption and minimizing run-off to stormwater drainage system.<br>• Recommend leaving or planting native vegetation to reduce irrigation, fertilizer, biocide, herbicide, and pesticide needs. When applying biocide, herbicide, or pesticide, follow the manufacturer's recommendations and instructions, and avoid spray in high winds or when rainfall is imminent to reduce overspray and run-off.<br>• Encourage collecting and composting of green waste to prevent blockages in the stormwater drainage system.<br>• Evaluate cleaning schedule for the stormwater drainage system. |

## 9. Stormwater Pollution Prevention Education and Outreach

The SWMP has been developed and implemented for harbors covered under the NPDES program. The plan includes sections on tenant education and outreach related to stormwater pollution prevention and good housekeeping. Tenants covered under their own NPDES permit are required to have their own Storm Water Pollution Control [SWPC] or similar plan and to provide training for their employees, which is often a part of their corporate policy. In addition, Harbors provides *Annual Storm Water Pollution Prevention Awareness Training* to the tenants. The tenants are required to attend this annual training, share the information with their employees, and provide feedback.

This section identifies potential components of stormwater pollution prevention training programs. Inspection criteria would be limited to confirmation of employee training and review of stormwater training materials and recordkeeping. The key inspection criteria related to stormwater pollution prevention education and outreach are listed in Table 9.

**Table 9**
**Stormwater Pollution Prevention Education and Outreach**

| Subject | Key Inspection Criteria |
|---|---|
| Education | • Increase awareness of what is (or is not) allowed to enter the storm drains.<br>• Increase awareness of the detrimental environmental impacts resulted from fuel, antifreeze, lubricants, pesticides, detergents, paint, and waste residue.<br>• Identify stormwater collection system components. |
| BMP | • Encourage labeling/stenciling of storm drains to discourage illicit discharges or illegal dumping.<br>• Promote the proper storage, use, and disposal of potentially harmful chemicals.<br>• Promote the proper storage and disposal of wastes.<br>• Encourage acquisition of alternative and less toxic chemicals (such as short shelf-life pesticides, non-chlorinated solvents, water-based paints, and non-aerosol products).<br>• Encourage waste minimization and recycling.<br>• Provide mechanism for reporting of apparent violations and enhance awareness of possible penalties affiliated with illicit discharge/dumping.<br>• Encourage efficient and safe BMPs in areas with industrial activity. |

## 10. Oil/Water Separator

An oil/water separator [OWS] is a device designed to separate gross amounts of oil and suspended solids from stormwater or wastewater effluents (from restaurants, oil refineries, petrochemical plants, chemical plants, natural gas processing plant, or other industrial sources). It is installed as a pretreatment device for wastewater, prior to discharge to a sanitary sewer, cesspool, recycling system, treatment plant, or other collection points. OWS can also be installed at locations with high fuel recovery potential, such as fuel truck loading areas where spilled product can be recovered for proper use or disposal.

In terms of stormwater, an OWS is typically installed in operational areas prone to frequent small spills and drips that have a significant cumulative impact on stormwater quality. The stormwater OWS is utilized as a flow-through polishing device rather than a reclamation device.

The OWS comes in a range of sizes and designs, depending on the volume of flow and characterization of the influent. All OWSs warrant regular maintenance in order to be effective and efficient in wastewater treatment. The key inspection criteria related to OWS are listed in Table 10.

**Table 10**
**Oil/Water Separator**

| Subject | Key Inspection Criteria |
|---|---|
| Performance | • Regularly inspect effluent from OWS for sheen, odor, clarity, floatables, and/or other abnormal observations |
| Operations | • Query tenant on OWS inspection, cleaning frequency, and waste disposal.<br>• Query tenant on major maintenance activities or routine parts replacement.<br>• Query tenant on employee training, particularly with OWS that requires valves or switches. |
| Permits | • Evaluate whether discharges to the sanitary sewer is authorized. |
| Document Review | • Review the permit for basic components, including expiration date, permit conditions, discharge limits, and general provisions contained in the permit.<br>• Verify that permit is renewed as necessary.<br>• Review the Operation and Maintenance Records. |

## 11. Emergency Spill Cleanup Plan

An Emergency Spill Cleanup Plan is developed in support of other BMPs, including those that are focused on maintenance and repair, fueling, washing, outdoor material storage and handling, outdoor container storage, and waste handling and disposal (see 2 to 7). Owners and operators of facilities, which store/process petroleum or petroleum-based products in certain quantities, may be subject to 40 CFR Part 112 and will need to develop and implement an SPCC plan (see 2 – *Oil Pollution Prevention*).

For tenants that store use oil in quantities under the threshold (not subject to SPCC regulations) and conduct operations with high potential of spilling any potentially hazardous substances, an Emergency Spill Cleanup Plan should be developed, which is tailored to the activities conducted by the tenants as a pollution prevention tool. The key inspection criteria related to an Emergency Spill Cleanup Plan are listed in Table 11.

**Table 11**
**Emergency Spill Cleanup Plan**

| Subject | Key Inspection Criteria |
|---|---|
| Program Evaluation | • Evaluate whether or not the tenant is subject to the SPCC program; if so, verify that they have submitted a copy of the current SPCC plan to Harbors.<br>• Evaluate whether or not the tenant conducts operations which would warrant an Emergency Spill Cleanup Plan, and make recommendations. |
| Document Review | • Review the existing plan for basic components, including facility description, site plan, notification procedures, cleanup instructions, cleanup materials, and responsible parties.<br>• Review spill response records, if there are any.<br>• Verify that contingencies (such as spill kits) identified in the plan are present and stocked.<br>• Verify that employees are trained in Emergency Spill Cleanup Plan components. |
| Training | • Query tenant on spill prevention and response training of employees.<br>• Query tenant's employee on emergency spill cleanup. |

## Section II - Environmental Asset Inventory

The environmental asset consists of natural environment and built environment. The natural environment encompasses all living and non-living things occurring naturally on Earth or some region thereof. It can be distinguished by components, including complete ecological units, which function as natural systems without massive human intervention, and universal natural resources and physical phenomena that lack clear-cut boundaries (such as air, water, and climate). The built environment comprises the areas and components that are strongly influenced by humans.

During tenant routine inspections, an inventory of environmental assets will be verified and updated. A tenant database has been developed and maintained, in which operations and equipment having environmental significance are assessed and documented. Key environmental asset categories include aboveground storage tanks, mobile storage tanks, underground storage tanks, hazardous material storage areas, spill kits, waste storage areas, paint booths, paint shops, vehicle wash areas, pre-treatment systems, and maintenance areas for vessels, equipment, and vehicles.

Tracking environmental assets allows for a comprehensive evaluation of operations at each harbor, and more effective communication with tenants regarding changes in applicable regulations or policies. Database queries generate reports containing environmental assets are used during routine inspections, illicit discharge investigations, enforcement actions, and lease (or revocable permit) termination proceedings. Therefore, verifying and updating electronic records of environment assets is an essential component.

## INSPECTION PROCEDURES

Inspection procedures are designed to maintain compliance with the applicable environmental regulations at Harbors.

### Step 1: Pre-inspection Preparation

Prior to conducting routine inspections, inspectors (Environmental Section personnel or their designees) shall collect and analyze available background information of the tenant to be inspected. Pre-inspection preparation begins by generating a tenant profile from the database (i.e. *Harbors_Tenants.mdb*), which lists all known environmental assets affiliated with the tenant as well as past inspection records. Prior to inspection, relevant property management files and layout maps, identifying leased areas, should be reviewed. In addition, other applicable files such as SPCC plans, SWPC plans, past enforcement actions, facility plans for improvement projects, and correspondence should be reviewed.

The key reviewing criteria include, but not limited to, the following:

- Compare facility diagrams with drainage maps for that area of the harbor to identify potential drainage pathways at and around the facility.
- Pay attention to changes that have occurred at the tenant's facility (either operations or the facility structures).
- Pay attention to changes in Harbors environmental policies since the previous inspection.
- Identify and review the BMPs that are applicable to the tenant's operations.
- Identify any special safety consideration and inspection scheduling limitations prior to contacting the tenant to arrange the inspection.

Upon finishing reviewing of background information, the inspectors should develop an inspection plan to highlight the key components of the inspection. The major purpose of the tenant inspection is to identify potential environmental concerns and provide outreach if necessary. In addition, the inspection also serves the purpose of acquiring specific information from the tenant (e.g., copies of permits, plans, and training records) and conveying specific information to the tenant in a direct fashion. The inspection plan should include following components at least:

1. Objectives - Define purpose of inspection and intended accomplishments.
2. Tasks - Identify specific tasks and information to be collected and/or reviewed.
3. Procedures - Identify any special procedure to be used.
4. Resources - Establish personnel and equipment needs.
5. Schedule - Given the inspection frequency, assess how much time will be needed.
6. Coordination - Determine whether this inspection warrants coordination with other Harbors personnel or regulatory agencies.

**Step 2: Entry**

Leases and revocable permits, issued by Harbors, provide inspectors the right to enter tenant's facility for the purpose of inspection. Even though advanced notification of tenants to-be-inspected is not required, it does give tenants enough time to gather necessary records, make sure at least one tenant representative available to accompany the inspector, and prepare them to discuss environmental concerns or questions. Unannounced inspections could provide a more accurate sense of day-to-day operations, and are generally utilized when inappropriate corrective actions warrant a higher level of enforcement. The tenant inspections usually serve the dual purpose of environmental outreach and compliance. Therefore, scheduling the inspection a few days in advance may foster a more productive working relationship with Harbors tenants.

Usually, the inspection begins by the inspector introducing themselves to reception and asking for the point of contact with the tenant. When more than one inspector on site (either from Harbors, a combination of Harbors and their designees, or a combination of Harbors and HDOH/EPA representatives), the inspectors should identify their respective roles in the inspection, as well as who will be leading the inspection for the team. This will ensure efficient communication between the tenant and the inspection team.

In the rare instance, when access to a tenant facility is denied, the inspector should notify Harbors Environmental Section supervisor and obtain a copy of the relevant lease agreement or revocable permit from Property Management Section, highlighting the *Inspection of Premises* section (contained within lease agreement) or *Entry by State* section (contained within revocable permit).

Lease language typically states:

"The LESSEE shall permit the LESSOR and its employees, representatives and agents, at all reasonable times during the said term of this lease, to enter the Premises for any governmental purpose, including, without limitation, examining the state of repair and condition."

Revocable permit language typically states:

"The STATE or its agents and employees may enter the Premises at all reasonable hours to inspect the Premises and determine if the PERMITTEE is complying with the terms and conditions of this Permit or for any other proper purpose. The PERMITTEE shall not make any claim for damages or set off of rent, service charge or other charges by reason or on account of such entry."

If the tenant exhibits hostile behavior, inspectors should request Harbor Police to provide escort during the inspection. At no time should an inspector feel compelled to conduct the inspection in

an unsafe environment. Some tenant facilities may pose safety concerns and have specific safety protection requirements. Hence, the inspector should refrain from inspecting operational areas until a tenant representative could provide accompaniment.

**Step 3: Tenant Conference**

Depending on the size of the tenant's facility to-be-inspected, a tenant conference could be conducted onsite prior to the start and/or the end of the inspection if plausible. It may consist merely of the inspector describing the purpose and order of the inspection to the tenant representative. This will allow the tenant representative to locate additional documents or key personnel necessary to fulfill the objectives of the inspection. Pre-inspection preparation may have identified key areas and relevant issues. If so, the inspector should convey these concerns to the tenant representative to ensure that they are reviewed.

It is imperative that a tenant representative accompanies the inspector during the entire inspection to describe operations and answer questions, as well as address considerations related to safety, environment, and liability. Often the tenant representative will include other employees with specialized roles during specific portions of the inspection.

Records, such as monitoring results, waste disposal manifests, or SPCC documentation, may be reviewed before, during, or after the tenant inspection. Sometimes, a tenant inspection may result in one or more follow-up activities. Therefore, prior to the end of the inspection, it will be helpful to take a few minutes to review relevant records and recap any deficiency, violation, or concern, which may require follow-up by either the inspector or the tenant representative.

**Step 4: Inspection**

Conducting an effective inspection requires observing operations that have the potential to impact the environment, posing questions to the tenant as necessary to gain a clear picture of whether or not the operations are complying with relevant environmental regulations, and recording observations for future use.

The inspector should use the pre-inspection preparation to identify areas of concern requiring the most attention for each tenant, and communicate the inspection plan with the tenant representative. As each area is observed, the inspector should evaluate how operations conform to Harbors revised *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (Attachment 4) and note deficiencies observed. In addition, the inspector should provide an oral guidance to the tenants concerning possible environmental improvements that may suit their operations (e.g., storage techniques, product substitutions, labeling requirements, or proper housekeeping protocols).

The tenant inspection provides an opportunity for the inspector to convey information to the tenants in the context of their operation, as well as a time for the tenants to ask for guidance on

particular environmental concerns. Sometimes, follow-up activities are necessary following the tenant inspection, for both the inspector and the tenant, which contribute to the goal of achieving environmental compliance in tenant operations.

**Step 5: Documentation and Recordkeeping**

Accurate inspection documentation and recordkeeping are critical to the success of Harbors environmental program. Photo documentation provides a simple and straightforward method to illustrate whether environmental compliance has been achieved and is essential in follow-up activities. If conducting mulTIMle inspections on one day, the inspection should begin the photo documentation with a picture of an overview of tenant facility or an area where the operator of the facility can be easily identified. The inspector should record photo numbers on Harbors revised *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* (Attachment 4).

**Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants**

Harbors revised *Environmental Compliance, BMP, and P2 Inspection Checklist for Tenants* is the primary recordkeeping tool utilized during the inspection (Attachment 4). Inspectors may find it helpful to fill out portions of the form in advance, such as the tenant contact information and notes within each relevant section on the environmental assets or issues of concern. Additionally, some information collected during the inspection may be helpful for other Harbors sections, such as Property Management Section, to update their database.

As reviewing listed sections (e.g., Stormwater, Maintenance and Repair, Fueling, Washing, etc.), the inspector should take time to complete each section with comments and observations. Each lined item should be checked whether the item is “Y” (for yes), “N” (for no), or “N/A” (for not applicable). Any item checked with “N” require at a minimum comments, explanation, and/or further investigation. A copy of the inspection report will be sent to the tenant upon completion. It will become a part of the permanent Harbors tenant file.

# Attachment 11

# New Tenant Information Package

# PROTECT
## OUR OCEAN WATER
MALAMA I KE KAI

**W**e are all responsible to make sure that pollutants don't end up in our ocean. To prevent "Illicit Discharges" into the storm water drainage system, there are Good Housekeeping activities and/or **Best Management Practices** (BMPs) that must be incorporated into your operations.

**Sweep, Rake, Vacuum & Mop vs. Washing**
Do NOT hose off sidewalks, parking areas and garages. Sweep, Rake, Vacuum & Mop and properly dispose of debris.

**Use Non-Toxic Products**
Choose non-toxic products over toxic ones. If needed, use them sparingly and properly dispose of unused portions. Minimize quantities stored on site.

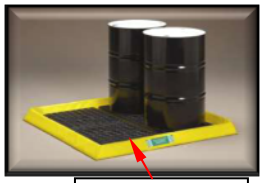
**NO Vehicle Washing**
Unless authorized in writing by DOT Harbors. When washing vehicles, use soap sparingly and divert water runoff to landscaping or the sanitary sewer. Wash water should be collected in a bucket and poured in a sink. Do not allow soapy water to go onto the ground or into storm drains.

**Reduce Use of Landscape Chemicals**
Minimize the use of lawn and garden products, pesticides, herbicides, fertilizers and other chemicals. Avoid over-irrigating.

**I**n general, **BMP's** can be followed by incorporating the **4 C's**:

**CONTAIN IT, CONTROL IT, CAPTURE IT & COMMUNICATE IT**

**Contain It:** Isolate your work area to prevent any potential flow or discharge from leaving the area.

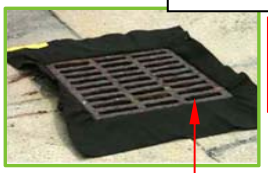


Spill Containment

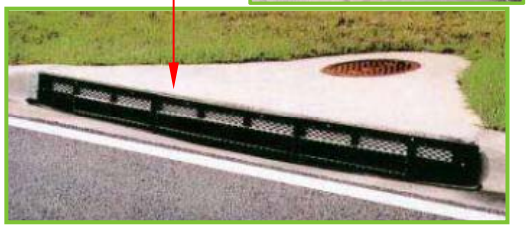
Wash Containment

**Control It:** Locate the nearest storm drain(s) and take measures to prevent pollutants from entering or discharging into them.

Stenciling




Protect Drains Properly



**Capture It:** Be prepared with clearly marked spill kits in appropriate areas to contain spills. Capture debris from rainwater runoff, cover trash, sweep, rake, vacuum and mop versus wash. Properly dispose of debris in trash receptacles.

Capture Oil


Be Prepared

Keep Receptacles Covered

**Communicate It:** Report illicit discharges, suspected discharges, and pollution concerns to Harbors Environmental at **(808) 587-1962** or to contacts listed in the **REPORT ILLICIT DISCHARGES** box. (BACK PAGE)

**Best Management Practices (BMPs)** for your industry can be found on the DOT Website:

http://hidot.hawaii.gov/harbors/library/storm-water-management/

**Select** Harbors Division **SCROLL DOWN** the webpage and find **BMP Flyers** under:

**Harbors Best Management Practices (BMP) Fliers**

- General BMPs

1. BMPs for Building and Remodeling
2. BMPs for Vehicle and Equipment Fueling
3. BMPs for Solid and Hazardous Waste Management
4. BMPs for Material Delivery and Handling
5. BMPs for Material Storage
6. BMPs for Vehicle Washing
7. BMPs for Vessel Maintenance Activities

- National Menu of Stormwater BMPs:
- EPA Construction BMPs:
- EPA Post-construction BMPs:

**SCROLL DOWN** further to find "**Spill Prevention Control & Counter Measures (SPCC)".**

**Spill Prevention Control and Counter Measures (SPCC)**

**Environmental Protection Agency's (EPA's) main website for SPCC guidance.**

- Tier 1 Qualified Facility SPCC Plan Template
  For facilities meeting the Tier I facility definition per 40 CFR 112.3(g)(1) and (2)of the SPCC rule. Contains SPCC Plan template in editable Microsoft Word format.
- SPCC Plan, Qualified Facilities Applicability
  Find out of your facility is subject to the SPCC Rule and if it meets the requirements of a Tier I or Tier II facility.

Addition information can be accessed from links at the bottom of the web-page.

Contact the **Department of Health Clean Water Branch** to see if your operation requires an **NPDES Permit.**

HARBORS DIVISION Aloha

Questions:
Call (808) 587-1962

## ENVIRONMENTAL COMPLIANCE IS REQUIRED IN YOUR REVOCABLE PERMIT OR LEASE

**ALL** tenants are **REQUIRED** to comply with **ALL** Local, State and Federal **ENVIRONMENTAL LAWS** applicable to the activities on the permitted or leased Premises during and/or after the expiration or termination of the Revocable Permit or Lease. Failure of tenant to comply with ANY Environmental Laws constitutes a breach of the agreement, which may result in **TERMINATION** of the Revocable Permit or Lease and **LEGAL REMEDIES**, including, but not limited to, remediating at tenant's sole cost. Questions Call: (808) 587-1944.

Non-Compliance could result in **CITATIONS** and **FINES** issued by the Hawaii State Department of Health **(DOH)** and/or the Environmental Protection Agency **(EPA).** Let's work together to keep our environment clean.

## REPORT ILLICIT DISCHARGES

| | |
|---|---|
| Harbors Environmental: (M-F 8:00 AM to 4:30 PM) | (808) 587-1962 |
| Harbors Traffic Control (24/7): | (808) 587-2076 |
| U.S. Coast Guard: | (808) 842-2600 |
| Hawaii Department of Health, Clean Water Branch: | (808) 586-4309 |
| USEPA: | (808) 541-2721 |

HARBORS DIVISION Aloha

# PROTECT OUR OCEAN WATER
## MĀLAMA I KE KAI

STATE OF HAWAII DEPARTMENT OF TRANSPORTATION

**Storm water pollution affects us all. Storm drains are not connected to the wastewater treatment plant** *(sewer system),* **so everything flowing into the storm drain goes directly into our ocean UNTREATED!**

Storm water pollution comes from a variety of sources including:

- Oil, fuel, machinery fluids, etc.
- Litter, pesticides, fertilizers, etc.
- Construction materials, i.e., Cement, paints, solvents, cleaners, detergents, metal, insulation, wood, etc.
- Bacteria from human and animal waste.
- Wash water from sinks, laundry, showers, vehicle washing, etc.

For More Information Call:

(808) 587-1962

# Attachment 12

# VGP Requirement on Incidental Discharges from Vessels

The EPA's NPDES vessel program regulates incidental discharges from the normal operation of all non-recreational, non-military vessels of 79 feet or greater in length which discharge in waters of the United States through the Vessel General Permit [VGP]. In addition, the ballast water discharge provisions apply to any non-recreational vessel of less than 79 feet or commercial fishing vessels of any size. Military vessels or recreational vessels are regulated by other EPA programs under CWA Section 312.

The EPA has promulgated 2013 VGP (effective on December 19, 2013 and expiring at midnight December 19, 2018) and is still in the process of finalizing the Small Vessel General Permit (sVGP) to authorize discharges incidental to the normal discharges of commercial vessel operations. According to the VGP, vessels, greater than or equal to 300 gross tons or having the capacity to hold or discharge more than 8 cubic meters (2,113 gallons) of ballast water, must submit a signed and certified, complete and accurate Notice of Intent [NOI] to the EPA to obtain coverage, which permits discharges incidental to the normal operation of a vessel including, but not limited to:

- Deck washdown and runoff and above water line hull cleaning
- Bilgewater/Oily water separator effluent
- Ballast water
- Anti-fouling hull coatings/hull coating leachate
- Aqueous film forming foam [AFFF]
- Boiler or economizer blowdown
- Cathodic protection
- Chain locker effluent
- Controllable pitch propeller and thruster hydraulic fluid and other oil sea interfaces including lubrication discharges from paddle wheel propulsion, stern tubes, thruster bearings, stabilizers, rudder bearings, azimuth thrusters, and propulsion pod lubrication, and wire rope and mechanical equipment subject to immersion
- Distillation and reverse osmosis brine
- Elevator pit effluent
- Firemain systems
- Freshwater layup
- Gas turbine washwater
- Graywater
- Motor gasoline and compensating discharge
- Non-oily machinery wastewater
- Refrigeration and air condensate discharge
- Seawater cooling overboard discharge (including non-contact engine cooling water; hydraulic system cooling water, refrigeration cooling water)
- Seawater piping biofouling prevention
- Boat engine wet exhaust
- Sonar dome discharge
- Underwater ship husbandry

- Welldeck discharges
- Graywater mixed with sewage from vessels
- Exhaust gas scrubber wash water discharge
- Fish hold effluent

Note that if the vessel is less than 300 gross tons and has the capacity to carry less than 8 cubic meters of ballast water, but is larger than 79 feet, the owner of the vessel does not need to submit an NOI. However, the vessel must still comply with all applicable provisions of the VGP.

If the owner or operator of the vessel violates any of the limits in the VGP, s/he must conduct a corrective action assessment investigating the nature, cause, and potential options for eliminating the problems. Depending upon the extent of the problem, the VGP provides deadlines for resolving the issues. In addition, the owner or operator of the vessel must conduct routine visual inspections of all accessible areas of the vessel in order to verify that effluent limits are being met. On an annual basis, a more comprehensive inspection must be conducted. The findings of each routine visual inspection and annual inspection must be documented in the official ship logbook or as a component of other recordkeeping documentation.

As part of the reporting requirements, all vessel owners or operators subject to the VGP must submit an annual report to the EPA. Cruise ships and vessels with ballast water treatment systems must submit laboratory report(s) containing analytical data to the EPA and/or the USCG. If vessels have any instance of noncompliance, the owner or operator must report those instances of noncompliance to the EPA on an annual basis.