3.0 TENANT RISK RANKING

3.1 Purpose

The HDOT Harbors has evaluated and ranked each tenant, some of which perform industrial activities at the two NPDES regulated harbors, based on their potential to contribute pollutants to the environment (i.e., air, water, and soil). The results of the tenant risk rankings will be re-evaluated regularly for accuracy. The risk designation of high, medium, or low, along with the tenant's individual or general NPDES permit coverage and compliance status, will be utilized to determine the inspection frequency (i.e., semiannually, annually, or every five years) of each tenant. 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.

Updated risk rankings for the tenants are maintained in the tenant database by Harbors Engineering Branch Environmental Section.

3.2 Risk Ranking Criteria

Harbors tenant facilities will be ranked as high, medium or low as determined by a cumulative score of the 15 risk criteria listed in this section. Based on the observations and activity evaluation, Environmental Section will assign a number from zero to five in each category with one exceptional category which ranges from negative two to two, based on the observation, activity evaluation, discharge potential to Harbors storm drain system and nation's waters nearby, and applicability of necessary BMPs. 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
- **Medium**: Score from 6 through 15
- **High**: Score more than 15 or a 5 in certain individual criteria.

The term "vessel", as used in this manual, includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters. It includes power boats, ships, tugs, cruise boats, small craft, smaller commercial vessels, sailing vessels, barges, scows, lighters, ferry boats, pleasure craft, floating equipment, house boats, floating gear, and any and all other watercraft. Small vessels are considered those less than 79 feet in length. The vessels covered in this manual refer to the ones which are either ***dry-docked*** or ***on-land***.

3.2.1 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, parts washing, removing and/or replacement of fluids and greases, dismantling, sandblasting, sanding, and painting.

0 No vessel maintenance or repair activities are conducted.

1 Maintenance 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 (30 days 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 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 activities on any size vessel are conducted in a partially confined or unconfined area with moderate potential for discharge of pollutants.

5 Maintenance 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)

3.2.2 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.

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***)

3.2.3 Vessel Washing (VW)

Tenant facilities are ranked based upon vessel washing activities. Vessel washing includes the removal of salt, sediment, and sea life from the exterior of a vessel using water, detergent, and/or mechanical devices.

0 No vessel washing is conducted.

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

2 Vessel washing is permitted and conducted in an uncontained area with no direct connection to Harbors storm water drainage system, or having a minimal potential for discharge of pollutants.

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

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

5 Vessel washing is conducted WITHOUT prior consent from Harbors, or not in compliance with VGP or sVGP regulated by EPA. (***Automatic trigger to high risk designation***)

3.2.4 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 such as, but not limited to, parts replacement, parts washing, removal and/or replacement of fluids or greases, dismantling, sandblasting, sanding, and painting.

0 No equipment and/or vehicle maintenance activities are conducted.

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

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

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

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

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

3.2.5 Equipment and/or Vehicle Fueling (EF)

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

0 No equipment and/or vehicle fueling activities are conducted.

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

2 Equipment and/or vehicle fueling is conducted on a small scale in areas with spill containment and diversion.

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

4 Equipment and/or 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***)

3.2.6 Equipment and/or Vehicle Washing (EW)

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

0 No equipment and/or vehicle washing is conducted.

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

2 Equipment and/or vehicle washing is conducted in an approved and uncovered wash area following an approved method with minimal potential discharge of pollutants.

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

4 Equipment and/or vehicle washing is conducted WITHOUT Harbors' approval and in an area with no direct connection to Harbors' storm drainage system and nation's water, and has a moderate to significant potential for discharge of pollutants.

5 Equipment and/or vehicle washing is conducted WITHOUT Harbors' approval and in an area that directly discharges to Harbors storm drainage system and nation's waters. (***Automatic trigger to high risk designation***)

3.2.7 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 the written consent from 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 storm water 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.

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 no or minimal potential for discharge of pollutants.

3 More than 1,320 gallons of oil is properly stored with no or 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 no or minimal 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***)

3.2.8 Container Storage (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, solid wastes, new oil, and used oil stored in containers with capacity less than 55 gallons.

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 materials are stored.

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

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

3 Low toxicity materials are stored with moderate potential for discharge of pollutants.

4 Low toxicity materials are improperly managed and/or stored outdoors with significant potential for discharge of pollutants.

5 High toxicity materials are improperly managed and/or stored outdoors with

moderate to significant potential for discharge of pollutants. (***Automatic trigger to high risk designation***)

3.2.9 Material Storage and Handling (MH)

Tenant facilities are ranked based on the methods/procedures for loading and unloading of non-fuel materials and containerized cargo and associated temporary storage. Hawaii imports nearly 80 percent of its required goods, of which over 98 percent is shipped via water. Therefore, the majority operation occurring at Hawaii harbors is the loading and unloading of cargo from vessels, the relocating of materials to warehouses, the loading and unloading of trucks, and associated temporary storage.

Other material handling operations at the harbors may include bilge servicing, sewage transfer, fire suppressant loading, handling of non-fuel oil, construction materials staging, and bulk cargo operations (e.g., handling of petroleum products and aggregates such as sand, coal, Portland cement, and scrap metal). This category also covers temporary storage of handled materials. It can also be used to address pumping operations affiliated with the cleaning of tanks, sumps, piping, or pier areas.

0 No materials/cargo are loaded/unloaded and stored.

1 All materials are handled and stored entirely indoors with no or minimal potential for discharge of pollutants.

2 Materials are handled and stored indoors and outdoors with minimal potential for discharge of pollutants with relevant BMPs in good and effective condition.

3 Materials are handled and stored outdoors with moderate potential for discharge of pollutants with relevant BMPs in fair condition.

4 Material handling and storage is conducted with significant potential for discharge of pollutants with relevant BMPs in poor condition.

5 Material handling and storage is conducted with significant potential for discharge of pollutants and no relevant BMPs in place. (***Automatic trigger to high risk designation***)

3.2.10 Waste Handling and Disposal (excluding Used Oil) (WH)

Tenant facilities are ranked based on solid/hazardous waste handling and disposal. Waste handling includes making a hazardous waste determination and proper management. If the waste is 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.

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 Section 1.1.3 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 Section 1.1.3 Waste Management Regulations, Item B.
[3] Please refer to Section 1.1.3 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***)

3.2.11 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.

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.

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***)

3.2.12 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 inspections. Class II enforcement actions include 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 policy 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 three years.

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

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

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

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

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

3.2.13 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-storm water discharges into Harbors' storm water 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 storm water management, pollution prevention, good

housekeeping, and applicable 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.

1 The tenant has not attended the most recent training.

2 The tenant has never attended the training.

3.2.14 Storm Drainage System Protection (SD)

Tenants are ranked based on the implementation of BMPs directly applied to Harbors storm drainage system to minimize the discharge of pollutants and to prevent soil and debris from entering the system. There are different ways to protect the storm drainage inlets including, but not limited to, setting up inlet protection devices and installing drop inlet sediment traps.

0 There are no storm drain inlets on or down-gradient of the premises.

1 All storm drain inlets (on or near the premise) are stenciled and BMPs are in place and in good condition.

2 BMPs are in place and in fair condition.

4 BMPs are in place, but in poor condition and needed to be replaced.

5 The storm drain inlets do not have BMPs and are directly exposed to potential pollutants.

3.2.15 Lease Agreement and/or Revocable Permit Requirements (RP)

Tenants are ranked based on the history of past compliance with environmental requirements contained in the 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, if specified in the lease agreement and/or revocable permit, will ***automatically trigger a tenant to a high risk designation***.

- 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 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 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.

3.3 Inspection Frequency

All tenants shall be inspected by the Environmental Section or its representative in accordance with Section 4 of this manual. The frequency of tenant inspections will be based on the tenant risk ranking determinations 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**.
- **Medium** ranked tenants shall be inspected **at least annually**; and
- **High** ranked tenants, shall be inspected **at least semiannually**;

3.4 Implementation

During the initial year of the implementation of this revised *Tenant Inspection and Enforcement Manual*, a site visit will be conducted at every tenant at Harbors by the Environmental Section or its representative. The initial risk ranking will be determined based on the information obtained through existing facility inventories as well as knowledge from previous tenant inspections conducted from 2009 to 2011. The risk ranking determinations will be compiled into a statewide *Harbors Tenant Inspection Tracking List.*

Subsequent confirmation or reclassification of the risk ranking will be conducted as part of the

routine inspection process. 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.

An electronic tenant database is maintained and updated by Harbors Property Management Section. Harbors Environmental Section will include the tenant list in their files along with information such as company name, harbor, contact information (primary and alternative), property space identification number (e.g., Tax Map Key number), 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, and enforcement actions (e.g., required corrective actions).

3.5 Tenant Risk Ranking Re-evaluation

Tenant risk ranking will be re-evaluated on a regular basis, majority of them relying on tenant routine inspection results. When a potential illicit discharge is observed or reported, and if the source is traced to a tenant, the tenant's risk ranking will be re-evaluated. Along with the subsequent risk ranking determination, Environmental Section will prepare an inspection schedule based on the results of risk ranking. The inspection schedules will be maintained and updated by Environmental Section.