



Tenant Inspection & Enforcement Manual



STATE OF HAWAII, DEPARTMENT OF
TRANSPORTATION, AIRPORTS DIVISION
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Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 Jade T. Butay
 Director
 State of Hawaii
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 Date

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Appendix III	Sample of DOTA Lease Agreement and Revocable Permit
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List of Acronyms

ADM	Airport District Manager
AIR-EE	DOTA, Engineering Branch, Environmental Section
AIR-PM	DOTA, Property Management Section
AMS	Asset Management System
ARFF	Aircraft Rescue and Fire Fighting
AST	Aboveground Storage Tank
BMP	Best Management Practice
CFR	Code of Federal Regulations
CNEE	Conditional “No Exposure” Exclusion
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DOH	State of Hawaii, Department of Health
DOH CWB	State of Hawaii, Department of Health, Clean Water Branch
DOTA	State of Hawaii, Department of Transportation, Airports Division
EHS	Environmental Health Specialist
EPA	Environmental Protection Agency
HAR	Hawaii Administrative Rules
HDH	Kawaihapai Airfield (also known as Dillingham Airfield)
HDOT	State of Hawaii, Department of Transportation
HDS	Hydrodynamic Separator
HNL	Daniel K. Inouye International Airport
HNM	Hana Airport
HRS	Hawaii Revised Statutes
IDDE	Illicit Discharge Detection and Elimination
ITO	Hilo International Airport
IWDP	Industrial Wastewater Discharge Permit
JHM	Kapalua Airport
JRF	Kalaeloa Airport
KOA	Ellison Onizuka Kona International Airport at Keahole
LID	Low Impact Development
LIH	Lihue Airport
LNK	Lanai Airport
LQG	Large Quantity Generator
LUP	Kalaupapa Airport
MEP	Maximum Extent Practicable
MKK	Molokai Airport
MOU	Memorandum of Understanding
MS4	Municipal Separate Storm Sewer System
MST	Mobile Storage Tank
MUE	Waimea-Kohala Airport
NOV	Notice of Violation
NGPC	Notice of General Permit Coverage
NPDES	National Pollutant Discharge Elimination System
OGG	Kahului Airport

OWS	Oil/Water Separator
PAK	Port Allen Airport
PBMP	Post-Construction/Permanent Best Management Practice
PMID	Property Management Identification Number
RCRA	Resource Conservation and Recovery Act
SIS	Site Investigation Sheet
SPCC	Spill Prevention, Control, and Countermeasure
SQG	Small Quantity Generator
SWPCP	Stormwater Pollution Control Plan
SWMPP	Stormwater Management Program Plan
UIC	Underground Injection Control
UPP	Upolu Airport
UST	Underground Storage Tank
VSQG	Very Small Quantity Generator

1.0 BACKGROUND AND PURPOSE

DOTA has developed and implements an industrial and commercial discharge management program to reduce, to the MEP, the discharge of pollutants from all industrial and commercial facilities and activities at State of Hawaii airports which are owned and operated by DOTA. This Tenant and Enforcement Manual (Manual), used by environmental personnel, consultants, and contractors responsible for implementing tenant environmental inspection and enforcement, details the procedures implemented by AIR-EE to ensure that all tenant operations comply with various local, State, and Federal environmental rules and regulations as well as DOTA environmental requirements. As such, DOTA AIR-EE has developed and refined BMPs to ensure tenants at all State of Hawaii airports comply with all current and applicable environmental laws and regulations. The adopted BMPs have been developed to target pollutant(s) of concern from tenant operations, which have been identified through tenant inspections, historical information, inventory of environmental assets, and stormwater monitoring data. The adopted BMPs have been made part of the DOTA environmental program and are included in various documents (e.g., SWPCPs, *Best Management Practice Field Manual for Operations at State of Hawaii Airports*, SWMPPs, and other environmental documents) developed for airport facilities. This Manual is based on various State and Federal environmental rules and regulations, including: NPDES, SPCC, UIC, RCRA, UST, Solid Waste, etc., and local rules and regulations such as City and County of Honolulu IWDP.

To ensure tenants are inspected fairly and adequately, DOTA implements a risk ranking based on environmental impact either into the DOTA MS4, drainage system, or State waters. The risk ranking is applied to all airport tenants to establish environmental oversight of areas where operations are likely to have an environmental impact. Risk ranking also provides DOTA inspectors with an objective assessment of tenant activities. Refer to Section 3.0.

The enforcement procedures contained herein represent a partnership between DOTA and DOH, as both agencies strive to conduct business in the best interest of the State of Hawaii.

1.1 Environmental Section

AIR-EE is centralized at the DOTA Division office within the Engineering Branch at HNL and reports directly to the Engineering Program Manager. The Engineering Program Manager reports to the Airports Administrator, who in turn reports to the Deputy Director of Airports.

AIR-EE consists of a Supervisor, several EHSs, and an Environmental Engineer. The physical locations for the positions are distributed throughout the DOTA Districts to better serve the program. Depending on availability, AIR-EE staff located in the neighbor island Districts may be assigned statewide tasks or assist with other Districts; however, their primary responsibility is to oversee environmental compliance within their District. This structure maximizes utilization of staff and allows for immediate access to AIR-EE by the neighbor island Districts.

1.2 Intergovernmental Coordination

Continued coordination between AIR-EE, DOH CWB, and EPA is an integral part of the Environmental Compliance Program at State of Hawaii airports. The AIR-EE Supervisor coordinates regulatory compliance program activities which may include permitting, implementing

policy and procedures, and staffing. Some compliance activities may also require the assistance of the State of Hawaii Attorney General's office. The AIR-EE Supervisor and/or the Engineering Program Manager shall be included in the coordination.

AIR-EE staff may interact with members of the DOH CWB or other regulatory agencies to address environmental issues and concerns as they arise. This will help maintain consistent compliance, enforcement, and prevent duplication of efforts between the State departments.

DOTA has an Environmental BMP Inspection Report that is utilized for routine tenant inspections at all State of Hawaii airports. This report is also used for other types of tenant inspections such as complaints, follow-up inspections, etc. HNL's Small MS4 Permit HI S000005 requires that DOTA provide completed inspection reports for tenants with Industrial NPDES Permits to DOH CWB after the inspection. If these requirements change, DOTA will utilize the most recent requirements for reporting to DOH CWB. All correspondence between DOTA, DOH, and EPA will be tracked through Veoci, an AMS document control system developed by DOTA, and saved electronically by AIR-EE.

2.0 PROGRAM SCOPE

All State of Hawaii airports follow the procedures detailed in this Manual, including risk ranking, inspections, enforcement, reporting, and training, along with other local, State and Federal Environmental regulations. Failure to follow these procedures may result in penalties and/or lease termination.

2.1 State of Hawaii Airport Facilities

The DOTA operates and maintains 15 airports statewide:

Oahu: Daniel K. Inouye International Airport (HNL)
Kalaheo Airport (JRF)
Kawaihapai Airport (HDH)

Maui: Kahului Airport (OGG)
Hana Airport (HNM)
Kapalua Airport (JHM)

Lanai: Lanai Airport (LNY)

Molokai: Molokai Airport (MKK)
Kalaupapa Airport (LUP)

Hawaii: Ellison Onizuka Kona International Airport at Keahole (KOA)
Hilo International Airport (ITO)
Waimea-Kohala Airport (MUE)
Upolu Airport (UPP)

Kauai: Lihue Airport (LIH)
Port Allen Airport (PAK)

2.2 Tenant Responsibility

All DOTA tenant lease agreements, Revocable Permits, and Concessionaire's Agreements include language stating that the tenant is responsible to comply with all environmental laws and regulations. A sample of a Lease Agreement and Revocable Permit is included in Appendix III. Tenants are made aware of the Environmental Compliance Program at DOTA's airports and are provided various environmental educational documents. Tenant spaces are inspected by an EHS or authorized representative for compliance. Failure to comply with DOTA BMPs may result in enforcement actions against tenants as detailed in Section 6.0.

3.0 RISK RANKING

3.1 Purpose

DOTA ranks each tenant that conducts industrial and commercial activities based on the tenant's operations, potential to contribute pollutants to stormwater runoff, and/or to have a non-stormwater discharge into the DOTA MS4, drainage system, or State waters, to determine their overall environmental risk. The risk designation of high, medium, or low is determined by a cumulative scoring system of ranking criteria, along with the tenant's NPDES permit coverage status (as applicable), which determines the frequency (i.e., quarterly, semi-annually, annually, or biennially) that each tenant is inspected. Additionally, AIR-EE may increase inspection frequency at their discretion.

There may be instances where tenants have more than one facility at the same airport under the same leaseholder, and each facility may be on a separate inspection schedule. For example, an airline may operate at the passenger terminal, at air cargo, and at a maintenance hangar. In this case, each facility would be ranked and inspected separately because the facilities are at different physical locations. Additionally, separate locations may have different points of contact or responsible parties, different operations, and may be located in separate drainage basins.

Each facility is evaluated based on the risk ranking criteria, which is conducted as part of the routine inspection process. Therefore, each facility is re-ranked after the routine inspection. For new tenants, DOTA will risk rank the facility during the first inspection. Information (i.e., company, airport, contact information, PMID, and property use) on new tenants may be obtained by electronic property management databases and leases. This information is then entered into the AMS. Tenants may obtain a copy of their current risk ranking from a DOTA EHS or inspector.

3.2 Risk Ranking Criteria

Facilities are ranked as high, medium, or low risk as determined by a cumulative score of the risk ranking assessment table in Section 3.3.14. The inspector will select the appropriate score ranging from zero to five for each criterion. If multiple criteria apply, the highest ranking is selected. The scores will be summed to determine a cumulative risk ranking score and associated risk ranking category. Only the space(s) leased/listed under the same Common Tenant Name are considered when updating the risk ranking criteria; therefore, this excludes tenant activities conducted on the ramp or common use areas. Certain risk ranking criteria includes a trigger for automatic assignment of a higher risk ranking regardless of the cumulative score, such as having a current NPDES Industrial permit issued to the tenant (Section 3.3.13).

Risk rankings are determined as follows:

- Low = Cumulative score of 5 or less;
- Medium = Cumulative score from 6 through 16; and
- High = Cumulative score of more than 16, or a score of 5 on any risk ranking criteria.

Tenants are also assessed for exemption from routine tenant inspections. The exempt category would not require regular inspections, but may be re-evaluated as necessary if changes are made to a tenant's activities. Tenants classified as exempt have operations with minimal potential to contribute pollutants to stormwater runoff, or result in non-stormwater discharges, and do not have other significant environmental risk factors. The exemption categories include:

- A tenant operating an office space;
- A tenant operating on the second floor or higher with no outdoor activities; and
- A commercial tenant whose operations are not anticipated to contribute pollutants to stormwater, result in non-stormwater discharges, or have significant environmental risk factors (e.g., indoor storage space without outdoor areas, retail sales of dry goods, airline baggage sorting areas, ticketing booths, etc.).

Industrial facilities with a CNEE are still subject to inspection.

3.3 Risk Ranked Industrial and Commercial Activities

Tenant facilities are ranked based on the following industrial and commercial activities:

3.3.1 Aircraft Maintenance and Repair

Aircraft maintenance and repair activities include parts replacement, parts washing, removing and/or replacement of fluids and greases, and dismantling parts. Sandblasting, sanding, and/or painting activities are allowed if the tenant has a permitted paint booth at their facility (otherwise these activities are prohibited). Aircraft maintenance and repair shall be conducted inside or under cover or may be conducted outdoors only during dry weather with BMP measures implemented to prevent spills and/or leaks from contacting stormwater and reduce environmental risk.

3.3.2 Aircraft Fueling

Aircraft fueling includes fueling of aircraft and helicopters using a fuel hydrant system, mobile fuel tank truck, a stationary AST, or small gas cans. Fueling inside of a building is a fire code violation and is prohibited.

3.3.3 Aircraft Washing

Aircraft washing includes washing or rinsing of the exterior of aircraft and helicopters, and can only occur at the wash racks located within common use areas of the airport or at a tenant space that has a wash system that either contains the wash water (such as holding tanks, recirculating systems, or evaporation ponds) or discharges the wash water to the sanitary sewer. DOTA also has the discretion to provide a written approval for aircraft washing or rinsing activities under special circumstances.

3.3.4 Vehicle and/or Equipment Maintenance and Repair

Vehicle and/or equipment maintenance and repair activities include parts replacement, parts washing, removal and/or replacement of fluids or greases, and dismantling parts. Sandblasting, sanding, and/or painting activities are allowed if the tenant is a licensed autobody shop or has a permitted paint booth at their facility (otherwise these activities are prohibited). Vehicle and/or equipment maintenance and repair shall be conducted inside or under cover or may be conducted

outdoors only during dry weather with BMP measures implemented to prevent spills and/or leaks from contacting stormwater and reduce environmental risk.

3.3.5 Vehicle and/or Equipment Fueling

Fueling of vehicles and/or equipment may be conducted from fuel pumps, as well as MSTs and/or fuel cans. Fueling inside of a building is a fire code violation and is prohibited.

3.3.6 Vehicle and/or Equipment Washing

Vehicle and/or equipment washing includes washing ground service equipment, maintenance equipment, and vehicles for individual tenant use or for commercial purposes, and can only occur at the wash racks located within common use areas of the airport or at a tenant space that has a wash system that either contains the wash water (such as holding tanks, recirculating systems, or evaporation ponds) or discharges the wash water to the sanitary sewer. DOTA also has the discretion to provide a written approval for vehicle and equipment washing or rinsing activities under special circumstances.

3.3.7 Liquid Container Storage

Liquid container storage includes materials such as petroleum products (e.g., new and used oil, diesel, gasoline, etc.), chemical products, and other miscellaneous liquid materials. These materials may be stored in large containers of 25-gallons and greater, such as drums, totes, ASTs, and MSTs, and must be stored in secondary containment measures (such as spill containment pallets or double-wall tanks). Materials may also be stored in smaller containers less than 25-gallons. All containers, regardless of size, shall be labeled with the current contents and if no product remains, they should be labeled “empty.” Inspectors will check to evaluate that the liquid containers are properly stored (the term “properly stored” indicates that containers are in good condition and closed when not in use). This section does not include the additional regulations required for hazardous material, hazardous waste, and universal waste storage (refer to Section 3.3.10).

3.3.8 Material Storage

Material storage practices can include dry materials such as tires, metals, etc. and may be stored indoors or outdoors; however, if storing outdoors they shall be covered and stored on dunnage, if practicable. This section does not include hazardous material, hazardous wastes, and universal waste storage (refer to Section 3.3.10).

3.3.9 Material Handling

The methods and practices used to handle dry and liquid materials during daily activities may include, but not limited to: loading and unloading of materials (e.g., packaged products, drums, cans, bags, dry bulk products, containerized liquids, etc.), and materials used/handled during operations (e.g., paint, chemicals, etc.)

3.3.10 Waste Management

The regulations governing Solid Waste Management are found in 40 CFR § 239–259 and HAR § 11-58.1. Hazardous Waste Management regulations including hazardous waste identification, classification, generation, management, and disposal are found in 40 CFR § 260–273. Other

RCRA regulations for managing used oil and standards of USTs can be found in 40 CFR § 279–282.

3.3.11 Spill History

Spills shall be reported immediately to DOH and/or other local and Federal agencies, as applicable. Reportable spills include:

1. A release of more than 25-gallons of petroleum product; or
2. A release of 25-gallons or less of petroleum product but is not contained or remedied within 72 hours; or
3. A release equal to or exceeding the reportable quantity criteria for one or more chemicals listed within the DOH HEER Office Technical Guidance Manual (TGM); or
4. A release that enters a storm drain or water body.

If a spill enters a storm drain or water body, it is considered an illicit discharge and will be investigated by AIR-EE and documented on its current Illicit Discharge Site Investigation Report.

3.3.12 Environmental Compliance Program Enforcement History

The history of past environmental compliance warnings, as well as the response actions taken by the tenant related to warnings and/or inspections are assessed. Since the enforcement process is tiered, which involves escalated enforcement actions when corrective actions are not completed, the risk ranking is based on the highest level of enforcement within a two-year period.

3.3.13 NPDES Permit Coverage

Any tenant that has or requires an industrial NPDES permit under HAR § 11-55 Appendix B would be automatically designated as a high risk ranked tenant. However, any tenant that qualifies for, or has a CNEE, will not be designated as a high risk ranked tenant because a condition of no exposure indicates industrial activities are not a threat to stormwater.

3.3.14 Risk Ranking Assessment Table

The following table shall be used to determine the risk ranking of each tenant facility that discharges to the DOTA MS4, drainage system, or State waters.

Table 1: Risk Ranking Assessment

Risk Ranking Criteria Potential to discharge pollutants to the DOTA MS4, drainage system, or State waters	0	1	2	3	4	5 <small>(Automatic trigger to high-risk designation)</small>
	None	No Apparent or anticipated There is no apparent or anticipated potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Minimal There is minimal potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Moderate There is moderate potential to discharge to the DOTA MS4, drainage system, or State waters.	Significant There is significant potential to discharge to the DOTA MS4, drainage system, or State waters.	High There is a high potential and the tenant poses a high risk to discharge to the DOTA MS4, drainage system, or State waters.
3.3.1 Aircraft Maintenance and Repair	No maintenance activities are conducted.	Maintenance activities are conducted entirely indoors.	Maintenance activities are conducted outdoors, but under cover and with BMP measures implemented.	Maintenance activities are conducted outdoors, but under cover <i>without</i> BMP measures implemented.	Maintenance activities are conducted outdoors, in an uncovered area with BMP measures implemented.	Maintenance activities are conducted outdoors, in an uncovered area and <i>without</i> BMP measures implemented.
3.3.2 Aircraft Fueling	No fuel transfer activities are conducted.	Fueling of small aircraft (e.g., helicopters, personal planes) is conducted with BMP measures implemented.	Fueling of large aircraft (e.g., passenger planes, corporate jets) is conducted with BMP measures implemented.	Fueling of small aircraft is conducted <i>without</i> BMP measures implemented and not in close proximity to the MS4, drainage system, or State Waters.	Fueling of large aircraft is conducted <i>without</i> BMP measures implemented and not in close proximity to the MS4, drainage system, or State Waters.	Fueling of small or large aircraft is conducted <i>without</i> BMP measures implemented and within close proximity, and with a high potential to enter the MS4, drainage system or State waters.
3.3.3 Aircraft Washing	No aircraft washing is conducted at the facility.	Aircraft washing (using only biodegradable soap) is conducted in a DOTA approved wash area that is contained and covered.	Aircraft washing (using only biodegradable soap) is conducted in a DOTA approved wash area that is contained, but uncovered (e.g., washing conducted outside using a portable washer that contains all wash water in receptacles for proper removal).	Aircraft washing (using only biodegradable soap) is conducted in a DOTA approved wash area that is covered or uncovered, and with pervious surface (e.g., grassy or vegetated) or wash water runoff drains to a pervious area.	Aircraft washing is conducted in a covered or uncovered area, at an unapproved location, or at an uncontained location, and are not located in close proximity to the MS4, drainage system, or State Waters.	Aircraft washing is conducted in a covered or uncovered area, at an unapproved location, or at an uncontained area that discharges directly to the DOTA MS4, drainage system, or State waters. This is an illicit discharge and is reported to AIR-EE and other appropriate authorities as specified in Section 3.3.11.
3.3.4 Vehicle and/or Equipment Maintenance and Repair	No maintenance activities are conducted.	Maintenance activities are conducted entirely indoors.	Maintenance activities are conducted outdoors, but under cover with BMP measures implemented.	Maintenance activities are conducted outdoors, but under cover <i>without</i> BMP measures implemented.	Maintenance activities are conducted outdoors, in an uncovered area with BMP measures implemented.	Maintenance activities are conducted outdoors, in an uncovered area <i>without</i> BMP measures implemented.

Risk Ranking Criteria/Risk Rank Potential to discharge pollutants to the DOTA MS4, drainage system, or State waters	0	1	2	3	4	5 (Automatic trigger to high-risk designation)
	None	No Apparent or anticipated There is no apparent or anticipated potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Minimal There is minimal potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Moderate There is moderate potential to discharge to the DOTA MS4, drainage system, or State waters.	Significant There is significant potential to discharge to the DOTA MS4, drainage system, or State waters.	High There is a high potential and the tenant poses a high risk to discharge to the DOTA MS4, drainage system, or State waters.
3.3.5 Vehicle and/or Equipment Fueling	No fuel transfer activities are conducted.	Vehicle and/or equipment fueling is conducted with or <i>without</i> cover and with containment measures (e.g. bermed area).	Vehicle and/or equipment fueling is conducted under cover, <i>without</i> containment measures, and not located within close proximity to the MS4, drainage system, or State Waters	Vehicle and/or equipment fueling is conducted <i>without</i> cover or containment measures, and not located within close proximity to the MS4, drainage system, or State Waters	Vehicle and/or equipment fueling is conducted under cover <i>without</i> containment measures, and located in close proximity to the MS4, drainage system, or State Waters.	Vehicle and/or equipment fueling is conducted <i>without</i> cover or containment measures and within close proximity to the DOTA MS4, drainage system or State waters.
3.3.6 Vehicle and/or Equipment Washing	No vehicle or equipment washing is conducted.	Vehicle and/or equipment washing is conducted in a DOTA approved wash area that is contained and covered.	Vehicle and equipment washing is conducted in a DOTA approved wash area that is contained, but uncovered (e.g., washing conducted outside using a portable washer that contains all wash water in receptacles for proper removal).	Vehicle and equipment washing is conducted in a DOTA approved wash area within a pervious area (e.g., grassy or vegetated) or wash water runoff drains to a pervious area.	Vehicle and equipment washing is conducted in a DOTA approved wash area that is uncovered and uncontained with impervious surface and not in close proximity to DOTA MS4, drainage system or State waters.	Vehicle and equipment washing is conducted in an uncovered and uncontained area in close proximity to the MS4, drainage system, or State Waters, or at an unapproved location that directly discharges to the DOTA MS4, drainage system, or State waters. This is an illicit discharge and needs to be reported to the AIR-EE and other appropriate authorities as specified in Section 3.3.11.
3.3.7 Liquid Container Storage	No materials are stored at the facility.	Containers of any size are properly stored per DOTA BMPs (i.e., under cover and within secondary containment, if applicable).	Small or large containers are stored outdoors within secondary containment measures, but <i>without</i> cover.	Small containers are stored outdoors, under cover, but <i>without</i> secondary containment measures.	Large containers are stored outdoors, under cover, but <i>without</i> secondary containment measures.	Containers of any size are stored outdoors <i>without</i> cover and <i>without</i> secondary containment measures, or facility does not have an existing SPCC Plan and requires one.

Risk Ranking Criteria Risk Rank Potential to discharge pollutants to the DOTA MS4, drainage system, or State waters	0	1	2	3	4	5
	None	No Apparent or anticipated There is no apparent or anticipated potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Minimal There is minimal potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Moderate There is moderate potential to discharge to the DOTA MS4, drainage system, or State waters.	Significant There is significant potential to discharge to the DOTA MS4, drainage system, or State waters.	High There is a high potential and the tenant poses a high risk to discharge to the DOTA MS4, drainage system, or State waters.
3.3.8 Material Storage	No materials are stored	Materials are stored entirely indoors.	Materials are stored outdoors with BMPs implemented (e.g., materials are stored under cover and on dunnage).	Materials are stored outdoors and with partial BMPs implemented (e.g., materials are stored either under cover or on dunnage, but not both) and not in close proximity to the MS4, drainage system, and State Waters.	Materials are stored outdoors <i>without</i> implementing BMPs (e.g., materials are not stored under cover or on dunnage), but are not in close proximity to the MS4, drainage system, and State Waters.	Materials are stored outdoors <i>without</i> implementing BMPs (e.g., materials are not stored under cover or on dunnage) and within close proximity to the MS4, drainage system, or State Waters.
3.3.9 Material Handling	No materials are handled.	Materials are handled entirely indoors	Materials are handled outdoors, but under cover with BMPs implemented.	Materials are handled outdoors, under cover, but <i>without</i> BMPs implemented.	Materials are handled outdoors, <i>without</i> cover or implementing BMPs.	Materials are handled outdoors <i>without</i> cover or implementing BMPs on an impervious surface.
3.3.10 Waste Management	No waste is stored.	Non-hazardous waste is generated and properly stored indoors or under cover.	Hazardous waste is generated, and the tenant is classified as a VSQG or less. Hazardous waste is properly stored and disposed. <ul style="list-style-type: none"> VSQG generates 100 kilograms or less of hazardous waste in one calendar month. Quantity of hazardous waste on-site must never exceed 1,000 kilograms. 	Hazardous waste is generated, and the tenant is classified as a SQG or LQG. Hazardous waste is properly stored and disposed. <ul style="list-style-type: none"> SQG generates more than 100 kilograms, but less than 1,000 kilograms of hazardous waste in one calendar month. Quantity of hazardous waste on-site must never exceed 6,000 kilograms. LQG generates more than 1,000 kilograms of hazardous waste in one calendar month. 	Hazardous waste is generated, and the tenant is classified as a VSQG. Hazardous waste is improperly stored (i.e., outside <i>without</i> cover, <i>without</i> secondary containment measures, etc.), and/or improperly disposed of.	Hazardous waste is generated, and the tenant is classified as a SQG or LQG. Hazardous waste is improperly stored (i.e., outside <i>without</i> cover, <i>without</i> secondary containment measures, etc.) and/or improperly disposed.

Risk Ranking Criteria Risk Rank Potential to discharge pollutants to the DOTA MS4, drainage system, or State waters	0	1	2	3	4	5 (Automatic trigger to high-risk designation)
	None	No Apparent or anticipated There is no apparent or anticipated potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Minimal There is minimal potential to discharge pollutants to the DOTA MS4, drainage system, or State waters.	Moderate There is moderate potential to discharge to the DOTA MS4, drainage system, or State waters.	Significant There is significant potential to discharge to the DOTA MS4, drainage system, or State waters.	High There is a high potential and the tenant poses a high risk to discharge to the DOTA MS4, drainage system, or State waters.
3.3.11 Spill History	No history of spills in the past two years.	One to three spills with volumes greater than five gallons, but less than 25 gallons of petroleum, or less than the Reportable Quantity for other chemicals in the past two years.	One to three spills greater than the Reportable Quantity (see 40 CFR § 302.4) in the past two years.	More than three spills greater than the Reportable Quantity (see 40 CFR § 302.4) in the past two years.	More than five spills greater than the Reportable Quantity (see 40 CFR § 302.4) during a calendar year.	Tenant has been identified as the responsible party in a completed DOTA Illicit Discharge Site Investigation Report during past two years.
3.3.12 Environmental Compliance Program Enforcement History	No enforcement history in the past two years.	Written Warning received in the past two years.	Repeat deficiency identified during two consecutive tenant inspections.	Repeat deficiency identified during three consecutive tenant inspections.	NOV received in the past two years, or a breach of a Lease Agreement or Revocable Permit.	Second breach of Lease Agreement or Revocable Permit or the tenant has been issued an enforcement action by DOH or EPA for non-compliance in the past two years.
3.3.13 NPDES Permit Coverage	Tenant does not require industrial NPDES permit coverage.	N/A	N/A	N/A	N/A	Tenant has or requires industrial NPDES permit coverage.

3.4 Inspection Frequency

The frequency of tenant inspections is based on a combination of NPDES permit coverage status and the tenant risk ranking determination of high, medium, or low threat.

At a minimum, DOTA inspects each tenant in each ranking class as follows:

- High-risk ranked tenants that have NPDES permit coverage are inspected at least annually.
- High-risk ranked tenants that **are not required to have NPDES permit coverage** are inspected at least quarterly.
- Medium-risk ranked tenants are inspected at least annually.
- Low-risk ranked tenants are inspected at least biennially (i.e., every two years).

4.0 INSPECTION DESCRIPTION

The purpose of routine inspections is to:

1. Evaluate how tenant operations comply with the facility's SWPCP, a site-specific BMP plan, or *Best Management Practice Field Manual for Operations at State of Hawaii Airports* located in Appendix I.
2. Develop and maintain an accurate inventory of environmental assets owned and operated by each tenant facility. These assets are described in Section 4.2.
3. Ensure tenants are complying with HRS § 342D; HAR § 11-54 and HAR § 11-55; 40 CFR § 122; applicable NPDES general and individual permits issued to DOTA and tenants; and other local, State, and Federal environmental permitting/plan requirements.
4. Provide tenants with educational materials as a preventative measure for spills and illicit discharges.

Inspections are conducted under the following circumstances:

1. As determined per the risk ranking process;
2. Investigations of reported unauthorized discharges of pollutants to the DOTA MS4, drainage system, or State waters;
3. Evaluation of new tenant operations;
4. Joint inspections with DOH and/or EPA representatives; and
5. As discussed in Sections 3.1, 3.2, 3.4, 4.3, 4.4, and 4.5.

4.1 Environmental Best Management Practices

Environmental BMPs are described in detail in the *Best Management Practice Field Manual for Operations at State of Hawaii Airports* in Appendix I.

BMPs are defined in 40 CFR §122.2 as:

“schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of ‘waters of the United States.’ BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.”

Operational BMPs are intended to prevent pollutants from entering the environment by altering activities to eliminate or to minimize the pollution produced. Spill response BMPs rely on a combination of structural controls, employee awareness, and training to be effective methods for protecting the environment.

Operational BMPs include good housekeeping practices for activities such as:

- Aircraft maintenance and repair;
- Aircraft, vehicle, and equipment fueling;
- Aircraft, vehicle, and equipment washing;
- Vehicle, and/or equipment maintenance and repair;
- Container and material storage and handling;
- Solid waste management;

- Spill prevention and response;
- Fertilizer and pesticide storage and application;
- Outdoor loading and unloading practices; and
- Triturator and DOTA approved wash area operation practices.

PBMPs, are physical devices or systems that are designed to reduce the stormwater volume or improve water quality after construction is completed. Subcategories include Low Impact Development or LID PBMP, Source Control PBMP, and Treatment Control PBMP. Various types of PBMPs, such as OWSs (that discharge to the DOTA MS4 System), evaporation ponds, detention ponds, bioswales, permeable pavement, dry wells, HDS, drain inlet inserts, etc., are utilized at State of Hawaii airports. To be effective, all PBMPs require regular inspection and maintenance. While DOTA staff or its authorized representatives conduct inspection and maintenance of PBMPs located in the common use areas, **tenants are responsible for inspection and maintenance of the PBMPs located within their leased spaces.** In some circumstances, PBMP inspections have been assigned to tenants under a concessionaire's agreement. Tenants can refer to the *Post-Construction Best Management Practice Manual* (HNL SWMPP Section D, Attachment D.1) to learn more about inspection and maintenance of PBMPs.

Tenants are required to maintain documentation of the following, either in hard copy format, or readily available in an electronic database:

- DOTA requirements (e.g., DOTA discharge permit, or BMP Plan, if applicable; airport tenant training records);
- NPDES permit documentation (e.g., NGPC, Individual NPDES Permit, or CNEE, if applicable);
 - NPDES regulatory documentation (e.g., SWPCP, DMR, SWPCP training records, SWPCP inspection records, spill history for the past three years);
- SPCC rule documentation (e.g., SPCC Plan, AST inspections, SPCC annual training records)
- UST permit and inspections (DOH requires monthly UST inspections);
- UIC permit and inspections (DOH requires monthly UIC-permitted drainage well inspections);
- RCRA rule documentation (e.g., hazardous waste generator status and waste disposal records/manifests);
- City and County of Honolulu IWDP;
- PBMP annual inspections and maintenance; and
- Other pertinent environmental permits (such as Local Fire Department flammable finishes permit).

It should be noted that PBMPs at tenant spaces outside of HNL shall also follow the guidelines in the HNL SWMPP Section D.

4.2 Environmental Asset Inventory

DOTA inventory of environmental assets is verified and updated during routine inspections of tenant's and DOTA's facilities and operations. Veoci, an AMS, has been developed and is maintained in which unique identification numbers are assigned to operations and equipment

considered to have environmental significance. Key environmental asset categories include MSTs, ASTs, USTs, PBMPs, paint booths, and DOTA approved wash areas.

Information within the AMS is used during routine inspections, illicit discharge investigations, enforcement actions, and lease termination proceedings. Therefore, verifying and updating electronic records of environmental assets allows DOTA to complete a comprehensive evaluation of operations at each tenant facility and creates effective communication with tenants regarding changes in applicable regulations and/or policies.

4.3 Illicit Discharge Response

Illicit discharges observed during tenant inspections, as well as any illicit discharge investigations involving tenants, are addressed by the tenant inspection procedures described in Section 5.0. Whenever a pollution complaint is received or potential illicit discharge to the DOTA MS4, drainage system or State waters is observed during regular operations at State of Hawaii airports, AIR-EE will investigate and document it with its current Illicit Discharge Site Investigation Report. If an illicit discharge is confirmed, DOTA will follow enforcement actions as described in Section 6.0 and other respective documents (e.g., SWPCPs, *Best Management Practice Field Manual for Operations at State of Hawaii Airports*, SWMPPs, and other environmental documents).

4.4 New Tenant Evaluation

A new lease will initiate an evaluation of the potential environmental impacts of the tenant and, if necessary, an inspection. The purpose of this inspection is to identify any environmental assets, to assign a risk ranking, and to convey the environmental BMPs to the tenant. The AMS will be updated with the new tenant information so that future inspections can be scheduled per the risk ranking.

4.5 Termination of Lease

Following a Notice of Termination, AIR-EE will conduct site investigations of all lease spaces at the request of AIR-PM. If appropriate, tenants may be required by the ADM or AIR-PM to conduct Phase I and/or Phase II Environmental Site Assessments to ascertain the presence and extent of environmental contamination that may have resulted from their operations.

5.0 INSPECTION PROCEDURES

Inspection procedures are implemented at State of Hawaii airports and are designed to ensure compliance with local, State, Federal, and DOTA environmental rules and regulations.

5.1 Entry

Leases and Revocable Permits issued by AIR-PM provide DOTA or its authorized representatives the legal right to enter tenant facilities for the purpose of conducting inspections. While notifying tenants is not a requirement, it does enable the tenant to gather necessary records, to make a facility representative available to accompany the inspector, and to prepare themselves to discuss environmental questions or concerns. DOTA may conduct unannounced inspections at its discretion or as deemed necessary.

5.2 Pre-inspection Preparation

Inspections are scheduled approximately 30 days ahead of time. After an inspection date has been established, a confirmation email is sent to tenants requesting all applicable permits and documentation to be provided for review. A reminder email of the upcoming inspection is typically sent to tenants a week prior to the scheduled inspection date. Since DOTA inspections have the dual purpose of environmental outreach and NPDES permit compliance, scheduling the inspection 30 days in advance fosters a more productive working relationship with DOTA tenants.

Prior to the inspection, inspectors will review the AMS for background information including previous inspection reports, assets at the facility, airport layout maps, electronic file copies of relevant plans (i.e., SWPCP, SPCC, etc.), and drainage maps to determine if any drains are on or near the leased space. Records, such as DMRs, waste disposal manifests, or SPCC documentation, will also be reviewed, if available. Documents, assets and drains will be verified during the inspection.

The DOTA may schedule a pre-inspection conference with the tenant. This allows the purpose and order of the inspection to be explained and for the facility representative to locate additional documents or key personnel necessary.

The inspection is conducted to acquire specific information from the tenant (e.g., copies of current permits or plan revisions) or to convey specific information to the tenant. A facility representative and/or other employees with specialized roles and knowledge of the facility operations shall accompany the inspector during the inspection to answer questions and describe operations, as well as address safety and liability considerations.

If the tenant provides documentation during the inspection, it can be reviewed during or after the inspection, as necessary.

5.3 Inspection

The inspection offers an opportunity for the tenant to request guidance on environmental concerns and the inspector may provide guidance concerning environmental improvements that correspond to the facility operations, such as storage techniques, product substitutions, labeling requirements, or proper housekeeping protocols, as appropriate.

The inspector will observe all operations and areas of the facility that have the potential to have an environmental impact. During an initial inspection, the entire facility will be inspected to ensure all possible sources have been identified; during this initial inspection, the inspector can designate areas, such as offices, that would not require inspection during subsequent facility inspections.

Many inspections generate follow-up activities, for both the inspector and the tenant, which contribute to the goal of achieving environmental compliance in tenant operations.

However, DOTA is not the regulating agency for all possible environmental regulations that tenants may encounter. **It is each tenant's responsibility to ensure they are compliant with all applicable regulations.** EPA and DOH can also conduct inspections of tenants at any time with or without advance notification.

5.4 Documentation and Recordkeeping

The Environmental BMP Inspection Report (see Appendix IV) is the primary recordkeeping document utilized during the inspection. The inspector will review each relevant area (i.e., Aircraft, Vehicle, and Equipment Maintenance and Repair; Aircraft, Vehicle, and Equipment Fueling; Container/Material Storage and Handling, etc.) and complete each section documenting comments and observations. Each line item will be checked as either “yes,” “no,” or “N/A” (i.e., not applicable). Any items checked “no” requires, at a minimum, qualifying comments or explanation from the tenant, and/or further investigation needs.

An Environmental BMP Inspection Report shall be completed and include any documentation and records requested, a description of deficiencies identified, any additional comments and recommendations, and any photographs taken during the inspection. The deficiencies listed in the inspection report will include a due date for corrective action. The inspector will provide the inspection report via email to the tenant's representative within seven business days unless circumstances or requests for information requires additional time. The inspection report will become a part of the permanent DOTA tenant file. Tenants will have 30 days to complete all deficiencies listed, unless a deficiency poses a significant risk, at which time, the inspector can require the deficiency to be corrected immediately or within a shorter time frame based on risk. Also, AIR-EE may grant the tenant an extension to the 30-day completion date, on a case-by-case basis, to allow for any design development and/or purchase and delivery of necessary BMP equipment or parts needed.

Information collected during an inspection may be utilized by other DOTA sections, such as AIR-PM or ARFF, as needed for their informational or enforcement purposes.

6.0 ENFORCEMENT

The primary objective of DOTA's Tenant Inspection and Enforcement Program is:

1. To assist tenants achieve compliance with DOTA requirements and policies, and other local, State, and Federal environmental regulations;
2. To correct any deficiencies or violations in a timely manner; and
3. To have tenants operate their facilities and BMPs effectively and appropriately to maintain continued compliance.

Inspectors are encouraged to discuss common established practices on how to achieve environmental compliance by suggesting ideas or products that have worked in similar situations. Inspectors may also suggest that tenants obtain the advice of a consultant if one is needed.

6.1 Scope of Authority

The enforcement options available to DOTA range from administrative actions, including written warnings, to possible eviction and referral to DOH CWB or other State of Hawaii and EPA Enforcement Offices. DOH CWB may issue citations and/or seek a district court verdict of a misdemeanor or fine. In addition to the Federal NPDES, RCRA, SPCC, UST, and other programs, there are two general areas of environmental enforcement DOTA may refer to in support of its actions.

- A. HAR Title 19 – Establishes uniform safety measures, operational standards and requirements, and the conduct for all tenants at DOTA airports; and
- B. Tenant Lease Agreement or Revocable Permits – Authorizes DOTA to issue a Letter of Revocation and Notice to Vacate due to breach of the terms and conditions of the Lease or Revocable Permit, and to terminate the Lease or Revocable Permit, if necessary.

6.2 Enforcement of DOH Regulations

A MOU (see Appendix II), dated March 29, 2000, between DOTA and DOH, established a protocol that authorizes DOTA to participate in the enforcement of HRS § 342D, particularly to control illicit discharges. In the event a violation is unresolved after DOTA has exhausted all options available to them, DOTA will request DOH to pursue enforcement.

6.3 DOTA Enforcement Documentation

As shown in Figure 1, DOTA has adopted a tiered approach of escalating enforcement actions based on the severity of the violation and the tenant's compliance response history. The levels of written enforcement actions in order of increasing severity are as follows:

1. Written warning (inspection report, or letter and inspection report);
2. Notice of Violation;
3. Letter of Revocation and Notice to Vacate (Termination of Lease or Revocable Permit);
and
4. DOH Enforcement

Once all corrective actions have been addressed, a closure report will be completed by the inspector and sent to the tenant (see Appendix V).

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

6.3.1 Written Warning

The inspector will discuss all observed deficiencies or violations with the tenant or their representative at the time of the inspection. A written warning is the inspection report sent via email that documents any deficiencies or violations observed at the time of the inspection. Deficiencies or violations are any unaddressed or unexplained “no” items on the inspection report, missing records or permit documentations as indicated on the inspection report. If the deficiency or violation is considered to be severe, the enforcement action may go directly to a NOV being issued.

Note: If confirmation of delivery (read receipt and/or response) is not received from the tenant, then a letter with the inspection report will be sent via certified mail.

The inspection report will be provided to the tenant once the report has been finalized and will include a due date for all corrective action items to be resolved (typically 30 days from the date the finalized report was provided to the tenant).

The tenant, with justification, may request an extension of time to provide corrective actions. DOTA may grant extensions based on the merit of each individual request. Documentation and/or photos of all corrective action items is required and/or missing documents provided to close out the deficiencies or violations. The inspector may choose to conduct a follow-up inspection. The inspection report becomes a part of DOTA’s permanent tenant file.

If the deficiency or violation is resolved within the 30-day period or approved extension of time, the enforcement will be closed.

If the tenant does not provide corrective action documentation by the deadline (original or extended), DOTA will proceed to the next enforcement action and issue a NOV for any unresolved items identified in the original inspection.

For illicit discharges classified as violations, DOTA may further escalate the enforcement based on the severity of the illicit discharge.

6.3.2 Notice of Violation

A NOV is issued to a tenant by certified mail as part of the enforcement escalation or if the deficiency or violation was determined to be severe and/or are repeat issues. For tenants at HNL and OGG, DOH is also sent a copy of the NOV.

If the deficiency or violation is resolved within 30 days of issuance, the enforcement will be closed (send closure letter to the tenant and DOH).

If the tenant does not provide corrective action documentation by the deadline, DOTA will proceed to the next enforcement action and issue a Letter of Revocation and Notice to Vacate.

A sample NOV letter is included in Appendix VI.

6.3.3 Letter of Revocation and Notice to Vacate (Termination of Lease or Revocable Permit)

A Letter of Revocation and Notice to Vacate documents DOTA's efforts to work with the tenant and serves as DOTA's right to revoke the lease agreement. AIR-EE will work with DOTA upper management to inform them of the situation that all options are exhausted and the tenant was unwilling to comply.

AIR-PM will send the Letter of Revocation to the tenant which serves as a notice to vacate and to remove all personal property from the tenant's leased or permitted spaces. AIR-EE shall also notify DOH and forward copies of the previously submitted NOV and Investigation Report(s), if needed.

If the tenant does not vacate or challenges the termination of the lease, DOTA has the authority to regain possession of the tenant's leased or permitted spaces administratively without court action. DOTA may also refer the tenant to DOH.

A sample Letter of Revocation and Notice to Vacate is included in Appendix VII.

6.3.4 DOH Enforcement

Upon referral from DOTA or on their own accord, DOH can conduct their own inspections and issue enforcement actions depending on the nature and severity of the deficiency or violation. With assistance from DOTA and the Department of the Attorney General, DOH may pursue enforcement actions. If after a hearing, or formal enforcement actions, the DOH Director finds no violation has occurred or is occurring, the DOH Director may rescind the order of penalty. DOTA will then be provided a letter of No Further Action by DOH.

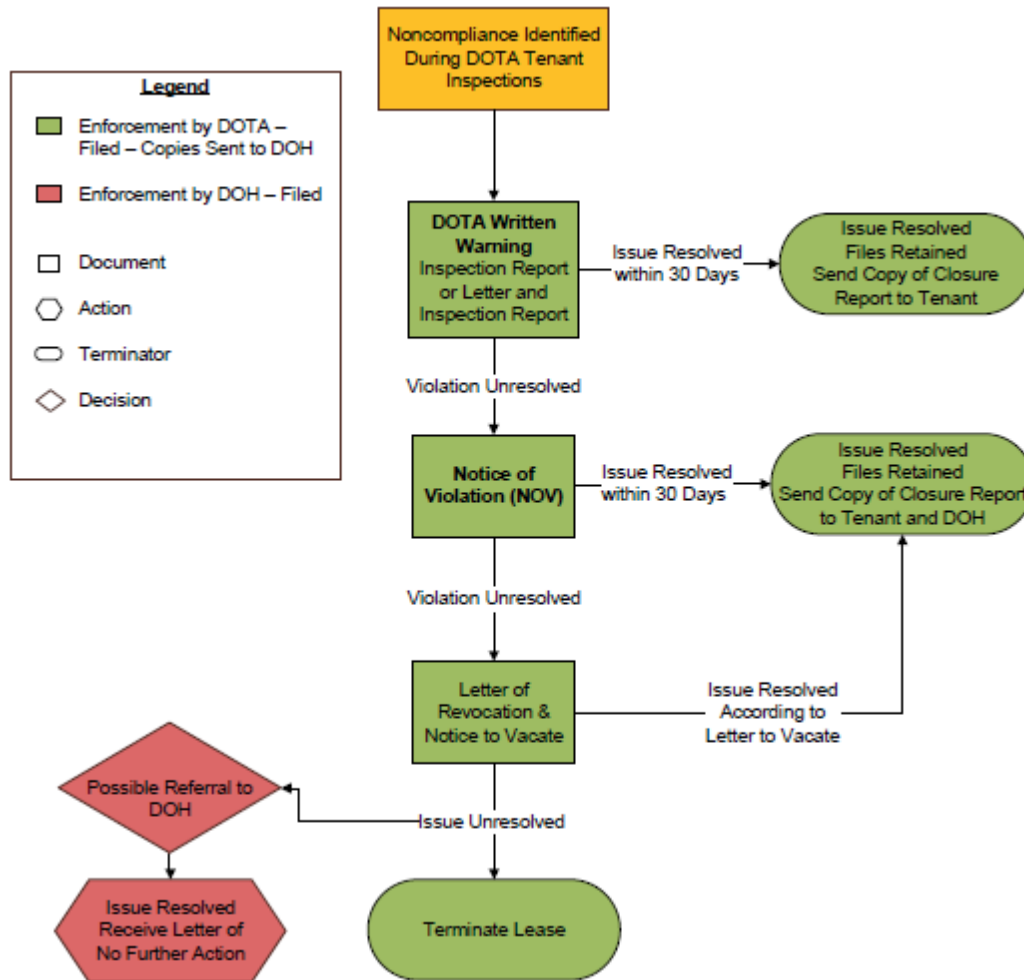


Figure 1: DOTA Industrial and Commercial Facilities NPDES Enforcement Flow Chart

7.0 TRAINING

Training programs provided to DOTA tenants are designed to establish a clear understanding of environmental pollution prevention requirements and responsibilities, and facilitates education on DOTA BMPs.

7.1 Annual Tenant Personnel Training

Environmental Compliance Program Training is provided annually to tenants whose activities may have an environmental impact at all State of Hawaii airports. The annual training discusses how and why environmental pollution discharges are regulated, provides an in-depth discussion of BMPs developed to address the most common sources of pollution, explains the inspection criteria used by DOTA during tenant inspections, and covers the basics of spill response and clean-up. The tenant is required to submit a roster of their employees who attended (or viewed) the training and to complete and submit a survey.

For HNL, any updates to the training material shall be submitted to DOH for review and acceptance within 90 calendar days of the change.

8.0 REFERENCES

The City & County of Honolulu, Department of Environmental Services. (2011). *Best Management Practices Manual for Construction Sites in Honolulu*.

State of Hawaii. *Hawaii Revised Statutes, Chapter 342D*.

State of Hawaii, Department of Health. (2014, November 15). *Hawaii Administrative Rules, Chapter 11- 54*.

State of Hawaii, Department of Health. (2019, February 9). *Hawaii Administrative Rules, Chapter 11-55*.

State of Hawaii, Department of Health. (2013). *Hawaii Administrative Rules, Chapter 11- 55*.

United States Environmental Protection Agency, Office of Water Enforcement and Permits. (1989). *Guidance for Developing Control Authority Enforcement Response Plans*.

Appendix I

Best Management Practice Field Manual for Operations at State of Hawaii Airports



Best Management Practice Field Manual for Operations at State of Hawaii Airports



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



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LIST OF ACRONYMS

AIR-EE	DOTA, Engineering Branch, Environmental Section
AOA	Air Operations Area
AOC	Airport Operations Control
AOM	Airport Operations Maintenance
ARFF	Aircraft Rescue and Fire Fighting
AST	Aboveground Storage Tank
BMP	Best Management Practice
CFR	Code of Federal Regulations
CWB	State of Hawaii, Department of Health, Clean Water Branch
DOH	State of Hawaii, Department of Health
DOTA	State of Hawaii, Department of Transportation, Airports Division
EC	Emergency Coordinator
EPA	U.S. Environmental Protection Agency
GSE	Ground Service Equipment
HAR	Hawaii Administrative Rules
HAZMAT	Hazardous Materials
HEER	State of Hawaii, Department of Health, Hazard Evaluation and Emergency Response
HRS	Hawaii Revised Statutes
LQG	Large Quantity Generator
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
OPA	Oil Pollution Act
OWS	Oil/Water Separator
PBMP	Post Construction/Permanent Best Management Practice
PCB	Polychlorinated biphenyl
PPE	Personal Protective Equipment
SDS	Safety Data Sheet
SDWB	State of Hawaii, Department of Health, Safe Drinking Water Branch
SHWB	State of Hawaii, Department of Health, Solid and Hazardous Waste Branch
SPCC	Spill Prevention, Control, and Countermeasure
SQG	Small Quantity Generator
UIC	Underground Injection Control
UST	Underground Storage Tank
VOC	Volatile Organic Compound
VSQG	Very Small Quantity Generator

Disclaimer

Industrial and commercial activities conducted at airports have the potential to discharge pollutants into the DOTA MS4, drainage system, or State waters. Drainage systems may include ditches, canals, inlets, and/or drainage wells (such as UIC wells). Airport tenants (those who lease space(s) from DOTA, sub-lets, service providers, and concessionaires) have a responsibility to prevent or reduce the release or discharge of pollutants generated by their operations at their tenant space(s) and the common use areas of the AOA, such as the ramp or hardstand areas. This Best Management Practice Field Manual for Operations at State of Hawaii Airports (hereafter referred to as “Manual”) shall serve as a guidance document for general activities conducted by any and all tenants, concessionaires, and service providers at all State of Hawaii airports owned or operated by DOTA. The list of local, State, and Federal regulations that apply to environmental compliance at State of Hawaii airports is provided in Attachment I. It is every airport user’s responsibility to ensure that their activities comply with all current and applicable environmental laws and regulations, as well as their signed lease agreement or contract with DOTA.

All tenants and/or their contractors, service providers, and concessionaires operating at State of Hawaii airports shall adhere to the following BMPs in their tenant space(s) and common use areas, airport responsibilities as described in HAR Title 19, Subtitle 2 – Airports Division, and pertinent State and Federal regulations. In the case of a conflict between tenants and/or their contractors’ company policies or procedures and the BMPs provided by DOTA, tenants and/or their contractors shall follow the more stringent BMPs.

Implementation of the following BMPs is designed to prevent or reduce pollutants associated with operation, maintenance, and repair activities from entering the DOTA MS4, drainage system, or State waters.

Best Management Practices Good Housekeeping Practices

Description

Good housekeeping BMPs are intended to maintain a clean and safe working environment, and reduce the potential for pollutants to enter the DOTA MS4, drainage system, or State waters.

Limitations

There are no major limitations to the implementation of these BMPs.

Practice		
<input type="checkbox"/>	1	DO NOT overfill dumpsters or leave trash outside of containers. Ensure that materials are properly placed in dumpsters and that dumpsters do not leak to avoid discharging contents into stormwater runoff. Use leak-proof dumpsters and keep them covered when not in use. If dumpsters are damaged, delivered without lids, or leaking, implement BMPs to prevent and/or contain discharges until dumpsters can be repaired or replaced.
<input type="checkbox"/>	2	Remove and properly dispose of debris and trash from all areas daily. Keep areas exposed to stormwater free of waste, garbage, and floatable debris to prevent these materials from being discharged into stormwater and transported offsite.
<input type="checkbox"/>	3	Schedule regular pickup and disposal of garbage and waste materials.
<input type="checkbox"/>	4	Dry sweep or vacuum all areas to prevent tracking and drag-out of materials. DO NOT hose down facility floors or outside areas unless a collection method and/or treatment device is implemented to contain wash water. Collection methods and treatment devices may include discharging to an OWS, discharging to an evaporation pond, discharging to a vegetated sump or depression, or collecting with a vac-truck. Properly dispose of collected wash water and dry material to prevent potential impacts to stormwater.
<input type="checkbox"/>	5	Place spill kits in easily accessible areas and keep them stocked, especially in areas where equipment/vehicle/aircraft leaks might occur and in areas where activities take place that have the potential to discharge (i.e., fueling operations, repairs, maintenance, hazardous material or petroleum storage areas, etc.). If activities are conducted in areas that pose a potential threat for non-stormwater discharges to enter the DOTA MS4, drainage system, or State waters, such as fueling activities, it may be necessary to include drain mats or other preventative devices within spill kits to prevent such discharges.
<input type="checkbox"/>	6	Clean up spills and leaks promptly using dry methods such as rags or absorbent material to prevent pollutants from comingling with stormwater and being transported offsite. Properly dispose of spent cleaning materials. Disposal of hazardous spilled substances and spent cleanup materials shall be in accordance with the BMPs outlined in the Solid Waste Storage and Disposal section of this Manual as well as applicable rules and regulations.

**Best Management Practices
Good Housekeeping Practices**
(Continued)

Practice		
<input type="checkbox"/>	7	Perform PBMP inspections, at a minimum annually, and perform maintenance as required. Document and maintain records of all PBMP inspections and maintenance. Refer to the <i>PBMP Fact Sheet</i> for more information.
<input type="checkbox"/>	8	Identify DOTA MS4 structures, drainage system, or State waters in each work area and prevent non-stormwater discharges into them.
<input type="checkbox"/>	9	Vehicles and equipment should be parked in designated areas, away from DOTA MS4 structures, drainage system, or State waters.
<input type="checkbox"/>	10	Inspect storm drain inlets regularly for sediment build-up or debris accumulation. If the build-up and/or accumulation is not a result of tenant activity, notify AIR-EE of the storm drain structure(s) that require cleaning. Otherwise, it is the tenant's responsibility to ensure that all storm drain inlets and catch basins are maintained within their space(s).
<input type="checkbox"/>	11	Inspect and maintain tenant-installed BMPs (e.g., drain guards, inlet inserts, catch basin inserts, biosocks, etc.). Report abandoned or unmaintained DOTA-installed BMPs to AIR-EE.
<input type="checkbox"/>	12	Divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize the discharge of pollutants.
<input type="checkbox"/>	13	Perform daily facility inspections to verify that good housekeeping practices are being followed by facility personnel.
<input type="checkbox"/>	14	Maintain records of all permits and plans as well as all required documentation for a minimum of five years.
<input type="checkbox"/>	15	At a minimum, one person from each facility must complete the annual Environmental Compliance Program Training video and survey. This training covers BMPs listed in this Manual. If only one person completed the training, they will be responsible for training other employees as necessary and keep a roster of all personnel trained. Please view the video and take the survey at the following link: Annual Environmental Compliance Program Training
<input type="checkbox"/>	16	Identify all chemical substances used in maintenance activities, compile SDSs for hazardous chemicals, and store SDSs where chemicals are used in an accessible location for employees. SDSs provide both workers and emergency responders with the proper procedures for handling hazardous substances and identify potential threats to personal health and the environment.

Best Management Practices Aircraft, Vehicle, and Equipment Maintenance and Repair

Description

Routine maintenance on aircraft, vehicles, and equipment must be performed for proper operation and to prevent leaks and spills. Additionally, emergency maintenance of aircraft and equipment outside of tenant spaces may be required. Maintenance and repair activities may include fluids removal, engine and parts cleaning, and/or tire repair and replacement. These activities present a potentially significant source of contaminants due to the harmful materials used and the waste generated.

Limitations

Only emergency repair may be conducted in the common use areas of the AOA. All other maintenance and repair activities must be conducted in appropriate areas of the tenant facility.

Practice		
<input type="checkbox"/>	1	Maintain aircraft, vehicle, and equipment used at the facility or in the common use areas of the AOA and keep in proper operating condition. Inspect aircraft, vehicles, and equipment periodically for leaks and immediately implement appropriate leak protection measures if a leak is observed, and repair as soon as possible. Leak protection measures, such as drip pans, are not intended for long term use and should only be used temporarily.
<input type="checkbox"/>	2	Perform aircraft, vehicle, and equipment maintenance and repair activities indoors or under cover whenever possible and ensure that all maintenance and repair activities are conducted away from the DOTA MS4, drainage system or State waters. If emergency maintenance is conducted within the common use areas of the AOA, BMPs must be in place. Perform an area inspection and clean up after maintenance is conducted.
<input type="checkbox"/>	3	Store damaged and/or leaking aircraft, vehicles, and equipment indoors whenever possible. When a drip or leak is identified, use drip protective measures to prevent contact with ground (indoors or outdoors). If a drip pan is used outdoors, clean the drip pan regularly to prevent overflow, especially during rain events. DO NOT leave leaking aircraft, vehicles, and equipment parked within the common use areas of the AOA overnight.
<input type="checkbox"/>	4	Remove fluids and batteries from damaged and/or salvage aircraft, vehicles, or equipment before storage. Store damaged and/or salvage aircraft, vehicles, or equipment under cover, if feasible, until repair or disposal. Inspect, at least monthly, for signs of deterioration.
<input type="checkbox"/>	5	Use drip pans, tarps, or other liquid containment measures whenever fluids are being removed to capture releases and prevent stormwater pollution. Clean the drip pans, tarps, or liquid containment measures before they are full and properly dispose of the contents.
<input type="checkbox"/>	6	Prior to fluids transfer, closely examine the container(s) to be used for transfer. Carefully transfer fluids over pavement or concrete surface using a funnel or nozzle to a designated storage container as soon as possible.

Best Management Practices
Aircraft, Vehicle, and Equipment Maintenance and Repair
(Continued)

Practice		
<input type="checkbox"/>	7	Store used, cracked, or damaged batteries under cover and within secondary containment measures.
<input type="checkbox"/>	8	Store drums with capacity of 25 gallons and above containing liquid materials and waste indoors or under cover and within secondary containment. Store smaller containers of liquid materials and waste indoors or under cover. If not indoors, store within secondary containment.
<input type="checkbox"/>	9	Properly empty and clean drip protection measures (i.e., drip pans) regularly and ensure all containers at the facility are properly covered and closed when not in use.
<input type="checkbox"/>	10	Store storm drain protection materials, such as impermeable berms or drain mats, nearby to protect storm drain inlets in the event of a spill.
<input type="checkbox"/>	11	Designate areas for parts cleaning. Allow parts to drain over solvent tank or drip pan. DO NOT wash or rinse parts outdoors and do not allow solvent to drip or spill onto the floor. Remove any parts that are dipped in liquid slowly to avoid spills. Provide secondary containment for drums of solvent with capacity of 25 gallons and above.
<input type="checkbox"/>	12	Use dry methods such as dry sweeping, vacuuming, or wiping with rags or absorbent materials to clean all areas and properly dispose of collected materials and spent cleaning materials. Washing may only occur in areas where there is a collection method and/or treatment device that contains wash water. Ensure all wash water is properly disposed of and has no potential to impact stormwater.
<input type="checkbox"/>	13	Dispose of liquid wastes properly. DO NOT pour liquid waste into floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections.
<input type="checkbox"/>	14	Maintain stocked spill kits throughout the facility, especially in maintenance areas, to prevent discharges to the DOTA MS4, drainage system, or State waters in the event of a spill. Refer to the BMPs in the Spill Prevention and Response section of this Manual.
<input type="checkbox"/>	15	Ensure that the PBMPs installed at the tenant facility for stormwater management, such as OWSs, storm drain inlet inserts, etc., are operating as designed. Conduct inspections, maintenance, and/or repairs as needed. At minimum, annual inspections of PBMPs are required and must be provided to <u>AIR-EE inspectors or their environmental consultants upon request.</u>

Best Management Practices
Aircraft, Vehicle, and Equipment Maintenance and Repair
(Continued)

Practice		
<input type="checkbox"/>	16	Inspect maintenance areas regularly for proper implementation of BMPs. Drip pans located outside, must be inspected, at minimum, daily. When liquid is present in drip pans, it must be properly be removed and disposed of. Daily inspections must be documented in a daily log and must be provided to AIR-EE <u>inspectors or their environmental consultants upon request.</u>
<input type="checkbox"/>	17	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.

Best Management Practices Aircraft, Vehicle, and Equipment Body Repair

Description

Body repair for aircraft, vehicles, and equipment may only be conducted in permitted paint booths, auto repair shops, or auto body shops. Body repair activities may include sanding, painting, welding, washing, and floor cleaning. The materials and waste generated by these activities have the potential to release pollutants such as oil and grease, organics, heavy metals, toxic chemicals, and paints to stormwater.

Limitations

The fire code does not allow sanding and painting activities, unless conducted within an approved and permitted paint booth, auto repair shop, or auto body shop. Prior to conducting these activities tenants must receive permission from ARFF.

Practice		
<input type="checkbox"/>	1	Perform all body repair activities indoors or under cover and within a permitted paint booth, auto repair shop, or auto body shop.
<input type="checkbox"/>	2	Utilize plastic barriers or tarpaulins during blasting or painting operations to contain debris.
<input type="checkbox"/>	3	Sweep, vacuum, or use other dry cleanup methods routinely to pick up dust from dry sanding of primer, metal, or body filler. Keep airborne dust to a minimum by using vacuum attachments on sanding equipment whenever possible or utilize a paint booth. Make extra efforts to thoroughly sweep or vacuum dust prior to mopping.
<input type="checkbox"/>	4	Clean up wet sanding drips with rags or absorbent materials and let them drip dry, sweep or vacuum up the dust, mop the area and dispose of the mop water properly. Disposal of hazardous spilled material and spent cleanup materials shall be in accordance with the BMPs outlined in the Solid Waste Storage and Disposal section of this Manual as well as applicable rules and regulations.
<input type="checkbox"/>	5	Use solvents and coatings with low VOC content, where possible. Use high-transfer efficiency coating techniques such as brushing and rolling to reduce overspray and solvent emissions.
<input type="checkbox"/>	6	Mix paints and solvents in designated areas indoors or under cover away from pervious surfaces and storm drain inlets.
<input type="checkbox"/>	7	Establish and implement effective inventory control to reduce paint waste, including tracking date received and expiration dates.

Best Management Practices
Aircraft, Vehicle, and Equipment Body Repair
(Continued)

Practice		
<input type="checkbox"/>	8	Conduct all priming and painting activities only in permitted paint booths. Uncontained spray-painting activities and painting outside or inside of hangars is prohibited and may be a violation of the fire code.
<input type="checkbox"/>	9	DO NOT use water to control overspray or dust in paint booths, unless the water evaporates in the booth.
<input type="checkbox"/>	10	Store waste paint, solvents, and rags in covered containers to prevent evaporation to the atmosphere.
<input type="checkbox"/>	11	Wash water-based and latex paint brushes, rollers, and other equipment in utility sinks or other locations where wash water is properly contained and disposed.
<input type="checkbox"/>	12	DO NOT clean out brushes, rinse paint containers, or wash paint equipment onto the exposed ground, street, gutter, or into the DOTA MS4, drainage system, or State waters. “Paint out” brushes as much as possible.
<input type="checkbox"/>	13	Properly segregate and label waste paints for disposal in accordance with the BMPs outlined in the Solid Waste Storage and Disposal section of this Manual as well as applicable rules and regulations. Note: oil-based paints are considered hazardous waste per DOH SHWB.
<input type="checkbox"/>	14	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.

Best Management Practice Aircraft, Vehicle, and Equipment Washing

Description

Routine washing of aircraft, vehicles, and equipment shall be conducted only at designated wash racks or wash areas. Designated wash racks or wash areas are located inside a building or over an impervious area where wash water can be contained and properly disposed of. Proper disposal methods include discharge to an OWS that drains to the sanitary sewer system, discharging to an evaporation pond and properly disposing of dried materials, or collecting with a vac-truck for proper disposal. Wash water may contain oils, greases, heavy metals, sediments, soaps, and other pollutants that pose a threat to the DOTA MS4, drainage system, or State waters.

Limitations

Aircraft, vehicles, and equipment washing shall ONLY be conducted at designated wash racks or wash areas.

Practice		
<input type="checkbox"/>	1	Keep aircraft, vehicles, and equipment clean and in good operating condition. Aircraft, vehicle, and equipment washing activities are NOT permitted in the common use areas of the AOA, unless at designated wash racks or DOTA approved wash areas by written approval from AIR-EE.
<input type="checkbox"/>	2	Ensure tenant installed wash racks or DOTA approved wash areas on tenant spaces are either located in an area where wash water can be contained and properly disposed of, directed to the sanitary sewer system, or in a designated area that AIR-EE has approved in writing.
<input type="checkbox"/>	3	Use biodegradable soaps and detergents that meet EPA's Safer Choice Standard. Please refer to the following link to verify if the product you are using meets this standard: https://www.epa.gov/saferchoice/products .
<input type="checkbox"/>	4	Where applicable, use dry methods to wash aircraft, vehicles, and equipment.
<input type="checkbox"/>	5	Conduct OWS maintenance in accordance with the BMPs outlined in the Solid Waste Storage and Disposal section of this Manual.
<input type="checkbox"/>	6	Ensure OWSs within the tenant space(s) have all applicable permits.
<input type="checkbox"/>	7	Prohibit washing of personal vehicles.
<input type="checkbox"/>	8	Ensure BMPs are implemented while washing at wash racks or DOTA approved wash areas at the tenant facility.
<input type="checkbox"/>	9	Always use the minimum amount of water and soap needed for all washing activities and avoid over spraying.
<input type="checkbox"/>	10	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.

Best Management Practice Aircraft, Vehicle, and Equipment Fueling

Description

During fueling of aircraft, vehicles, and equipment on the tenant space, common use areas of the AOA, or ramp areas, there is the potential for leaked or spilled fuel to contaminate stormwater.

Limitations

Fueling of aircraft, vehicles, and equipment shall ONLY be conducted outside.

Practice		
<input type="checkbox"/>	1	Where possible, perform fueling of aircraft, vehicles, and equipment in designated areas. All fueling activities conducted outside of designated areas should be performed away from storm drain inlets (use drain mats if near an inlet), DOTA MS4, drainage system, or State waters.
<input type="checkbox"/>	2	DO NOT top off when fueling.
<input type="checkbox"/>	3	During tank filling operations, engage the interlocking brake system and/or chock the wheels of the fueling vehicle to avoid movement. Deploy traffic safety cones or warning signs for safe fueling operations.
<input type="checkbox"/>	4	DOTA mandates that mobile refuelers and MSTs (including tanks on trailers where approved) be parked on space under a lease agreement or revocable permit when parking unattended or overnight.
<input type="checkbox"/>	5	Secondary Containment is required for mobile refuelers and MSTs (including tanks on trailers where approved) that meet the following conditions: <ul style="list-style-type: none"> • 500-gallon capacity or larger; • Have fittings, valves, connectors, and/or fuel sumps situated on the bottom or sides of the tank; • Have the potential to contain product when unattended or overnight.
<input type="checkbox"/>	6	Ensure that containment devices or diversion measures (e.g., storm drain cover, Safe Drain, etc.) are properly implemented during fuel transfer to ASTs and USTs. Continuously monitor the fuel transfer of ASTs and USTs. If containment devices or diversion measures contain accumulated product, properly remove product according to content specific environmental regulations.
<input type="checkbox"/>	7	DO NOT hose off fueling areas.
<input type="checkbox"/>	8	Post proper fueling and cleanup instructions in fueling areas.

Best Management Practice
Aircraft, Vehicle, and Equipment Fueling
(Continued)

Practice		
<input type="checkbox"/>	9	Use only dry absorbents or other dry cleanup materials to contain spills. Promptly clean spills with rags or absorbent material, and properly dispose of cleaning materials. For large spills, contact spill response personnel immediately. Refer to the BMPs in the Spill Prevention and Response section of this Manual. Dispose of hazardous spilled material and spent cleanup materials in accordance with the BMPs outlines in the Solid Waste Storage and Disposal section of this Manual as well as applicable rules and regulations.
<input type="checkbox"/>	10	Maintain an adequate supply of spill kits and spill control equipment near fueling areas to prevent pollutant discharge to the DOTA MS4, drainage system, and State waters in the event of a spill. Equip fuel trucks and mobile tanks with spill cleanup kits. Each spill kit should include, at a minimum, loose absorbent material or absorbent pads, a broom, and a pan or shop vac to pick up used spill cleanup materials. Additional suggested materials include absorbent booms, drain mats, plugs, or other devices to immediately stop and prevent spills from entering DOTA MS4, drainage system, or State waters.
<input type="checkbox"/>	11	Develop and implement a SPCC Plan, if required, based on facility oil storage and operations. Ensure the SPCC Plan is updated at the required frequency or if storage capacity and/or changes to the facility are made in accordance with the SPCC rule. Conduct inspections and training per SPCC Plan requirements at the required frequency.
<input type="checkbox"/>	12	Train personnel who handle fuels, oil, and hazardous material on proper operations, as well as spill response and reporting procedures at a minimum annually, or as required. Refer to the BMPs in the Spill Prevention and Response section of this Manual.
<input type="checkbox"/>	13	Dispose of the waste resulting from fuel tests and water collected in fuel tanks and hydrant sumps in accordance with applicable rules and regulations.
<input type="checkbox"/>	14	Confirm satisfactory operation of leak detection systems and/or pipeline monitoring systems, where installed.

Best Management Practice
Aircraft, Vehicle, and Equipment Fueling
(Continued)

Practice		
□	15	<p>The tenant and/or their fueling contractors must conduct the following checks regularly in addition to their operational procedures. If the following checks fail, immediately repair or replace defective parts or remove from service until repaired or replaced.</p> <p><u>Fuel Storage Tanks:</u></p> <ol style="list-style-type: none"> 1. Check the general condition of fuel storage tanks for safety defects, damage, corrosion, leaks, and appearance. 2. Check the condition of all fuel hoses and dispensing nozzles for wear. 3. Check piping systems (e.g., pipes, pumps, flanges, couplings, hoses, and valves, etc.) for failure, cracks, and leaks. 4. Check for appropriate monitoring via liquid level indicators or gauges, overfill protection with alarms, and/or leak detection systems. 5. Check that automatic shut off controls on fuel dispensing nozzles are in working condition. 6. Check that bollards/posts surrounding the fuel pumps and tanks are in good condition to prevent collisions during vehicle ingress and egress. <p><u>Tank Truck or Fueling Vehicle Checks:</u></p> <ol style="list-style-type: none"> 1. Check the general condition of tank trucks or fueling vehicles for safety defects, equipment damage, fuel leaks, and appearance. 2. Check the operation of deadman controls, brakes, and/or safety interlock systems. 3. Check the condition of all fuel hoses, swivels, and dispensing nozzles for wear. 4. Check the general condition of grounding reels, cables, clamps, and lift platforms. 5. Verify that fire extinguishers are properly placed with unobstructed access. 6. Verify the satisfactory operation of the emergency shutdown system. <p><u>Hydrant System Checks:</u></p> <ol style="list-style-type: none"> 1. Check the hydrant valve pits for fuel leaks, liquid level, and cleanliness. 2. Check the hydrant valve and components for visual deficiencies. 3. Ensure all emergency fuel shutdown stations have clear access and check if the locator lights are working properly. 4. Verify the satisfactory operation of the emergency shutdown system. 5. Report abnormal pressure/flow recordings in charts because this may indicate leaks. 6. Check the isolation valve pits that control the distribution of fuel, for emergency access, lid condition, fuel leaks, and electrical components.

Best Management Practices Fertilizer and Pesticide Storage and Application

Description

Fertilizer and pesticide application may be conducted by tenant facility personnel or a hired contractor to maintain landscaping or to eliminate pests at their facility. Improper use of pesticides and fertilizers can lead to the presence of chemicals in stormwater. Pesticides are defined as chemicals used to kill pest animals or plants. They are typically used to control the growth of weeds or other undesirable vegetation. Occasionally, insecticides or rodenticides are used to control an infestation of insects or to prevent the spread of diseases (i.e., mosquito or rodent control).

Limitations

Fertilizer, pesticide, and herbicide application should not be conducted during inclement weather or applied within six feet of a waterway or on slopes greater than a three to one ratio.

Practice		
<input type="checkbox"/>	1	Store fertilizers and pesticides in accordance with the Container and Material Storage BMPs in this Manual to minimize potential contact with stormwater runoff.
<input type="checkbox"/>	2	Periodically check the condition of containers. Look for leaking or corroded containers, crystallization on covers or bases of containers, or discolored labels. Dispose waste containers properly in accordance with the BMPs outlined in the Solid Waste Storage and Disposal section of this Manual.
<input type="checkbox"/>	3	Use fertilizers and pesticides only where needed in amounts or rates per the manufacturer's recommendations; DO NOT over apply. Calibrate equipment regularly for proper application and loading rates.
<input type="checkbox"/>	4	Use natural or organic alternatives, if possible.
<input type="checkbox"/>	5	Ensure that any application is a minimum of six feet away from the DOTA MS4, drainage system, and State waters.
<input type="checkbox"/>	6	DO NOT apply fertilizers or pesticides before or during rainfall or high winds or on slopes greater than a three to one ratio.
<input type="checkbox"/>	7	Transfer or mix fertilizers and pesticides above an impervious surface or container; clean up spills immediately.
<input type="checkbox"/>	8	Follow all rules and laws, refer to the Hawaii Department of Agriculture, Plant Industry Division, Pesticide Branch for more information on the following: HRS, Administrative Rules, Chapter 66; HRS, Hawaii Pesticide Law, Chapter 149A; Senate Bill 3095; and Act 45 (2018).
<input type="checkbox"/>	9	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.

Best Management Practices Container and Material Storage and Handling

Description

A variety of products and materials that may adversely affect water quality may be stored at tenant facilities or common use areas of the AOA. Tenants will minimize the exposure of such products and materials, minimize hazardous materials used on-site, and provide training to employees on the proper handling and use of materials.

Limitations

Materials and waste cannot be stored in the common use areas of the AOA without approval from the AOC/AOM/Security.

Practice		
<input type="checkbox"/>	1	Store materials (e.g., tires, metals, etc.) indoors or in covered areas wherever practical. Store materials in their original or appropriate containers as recommended by the manufacturer.
<input type="checkbox"/>	2	Whenever possible, outdoor storage areas should be situated away from areas prone to flooding and in a location where they will not be accidentally damaged by equipment or vehicles. When storing non-liquid materials (e.g., tires, metals, etc.) outdoors, place off the ground on top of dunnage to minimize contact with stormwater runoff/run-on. Cover materials with a tarp when storing them outdoors, whenever practical, to prevent pollutants from leaching into stormwater or mixing with stormwater runoff.
<input type="checkbox"/>	3	Single-walled liquid storage containers with capacity of 25 gallons or above and used batteries shall be stored indoors or under cover, and within secondary containment measures. Liquid accumulation in secondary containment measures should be minimized, managed, and disposed of properly.
<input type="checkbox"/>	4	Liquid containers with capacity less than 25 gallons shall be stored indoors or under cover within secondary containment measures. Liquid accumulation in secondary containment measures should be minimized, managed, and disposed of properly.
<input type="checkbox"/>	5	Store reactive, ignitable, or flammable materials in compliance with federal, state, and county regulations. Store small containers of flammable materials within flammable storage lockers.
<input type="checkbox"/>	6	Ensure that all liquid containers are closed, secured to prevent movement, stored neatly and away from high traffic areas (if possible) to avoid accidental spills, and properly labeled.
<input type="checkbox"/>	7	Ensure that all empty containers are properly labeled as “empty” when stored on-site.
<input type="checkbox"/>	8	Inspect storage areas regularly. Look for leaking or corroded containers, chemical discoloration, or other changes in the containers or contents that may indicate a potentially hazardous condition or chemical deterioration.

Best Management Practices
Container and Material Storage and Handling
(Continued)

Practice		
<input type="checkbox"/>	9	Maintain an accurate and organized inventory of stored supplies and materials used in the maintenance areas. Compile an inventory of SDSs for all chemicals and maintain them in an accessible location for employees. Periodically review the inventory and properly dispose of materials that are expired or no longer used. Follow manufacturer's instructions regarding uses, protective equipment, ventilation, flammability, and mixing of chemicals.
<input type="checkbox"/>	10	Only purchase and store needed quantities of hazardous materials and use less hazardous alternative materials where possible. Properly dispose of any unusable material, such as dried out paint.
<input type="checkbox"/>	11	ASTs and MSTs shall be kept in good condition (i.e., free of damage with no signs of failure) to prevent potential spills or releases and should be properly labeled. Single-walled ASTs and MSTs must be stored within secondary containment and meet DOTA standards. If possible, a canopy or cover should be installed over ASTs used for fueling or transfer of products.
<input type="checkbox"/>	12	Maintain spill kits where spills may occur (e.g., liquid material storage areas, fueling areas, etc.) or where a rapid response can be made. Spill kits should be stocked in accordance with the BMPs in the Good Housekeeping Practices section; Aircraft, Vehicle, and Equipment Maintenance and Repair section; and, Aircraft, Vehicle, and Equipment Fueling section of this Manual.
<input type="checkbox"/>	13	Use absorbent materials to contain spills where appropriate. Promptly clean spills with rags or absorbent material, and properly dispose of used spill cleanup materials. Disposal of hazardous spilled material and spent cleanup materials should be in accordance with the BMPs outlined in the Solid Waste Storage and Disposal section of this Manual. For spill response procedures, refer to the BMPs in the Spill Prevention and Response section of this Manual.
<input type="checkbox"/>	15	Recycle anti-freeze, used oil, solvents, windshield washer fluid, batteries, degreasers, paints, thinners, etc., as appropriate.
<input type="checkbox"/>	16	Develop and implement a SPCC Plan, if required, based on facility oil storage and operations. Ensure the SPCC Plan is updated at the required frequency or if storage capacity and/or changes to facility are made in accordance with the SPCC rule. Conduct inspections and training per SPCC Plan requirements at the required frequency.
<input type="checkbox"/>	17	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required. Train all employees who work in areas where industrial materials or activities are exposed to stormwater.

Best Management Practices Solid Waste Storage and Disposal

Description

Some chemicals used at airports require waste management. Improper handling of solid waste may result in contaminants entering stormwater runoff. The potential for discharge of these pollutants can be reduced by using proper solid waste storage, handling, and disposal techniques, as well as reducing the waste generation through reuse and recycling.

The solid wastes generated from tenant activities that may pose a threat to stormwater include, but are not limited to, oil-based paints, solvents, thinners, petroleum products, used batteries, anti-freeze, light ballasts, and other chemicals. Waste material categorized as hazardous waste, universal waste, and/or used oil must be managed properly as required by federal and state regulations (Appendix II). It is the responsibility of the hazardous waste generator to make a hazardous waste determination and dispose of the waste properly.

Limitations

All hazardous waste shall be disposed of by a certified hazardous waste hauler.

Practice		
<input type="checkbox"/>	1	Use the entire product before disposing of the container. Minimize use of hazardous materials on-site. Use less hazardous, alternative materials, where possible.
<input type="checkbox"/>	2	DO NOT remove the original product label; it contains important safety and disposal information. If a container is empty, label as such, or properly dispose of it.
<input type="checkbox"/>	3	Maintain good integrity of all liquid waste storage containers (e.g., used oils, hydraulic fluids, spent solvents, waste aircraft fuel). Inspect containers regularly and transfer waste from damaged containers into proper containers that are intact and ensure new containers are properly labeled.
<input type="checkbox"/>	4	Identify, list, and maintain an inventory of all chemical substances present in the facility. Compile an inventory of SDSs for all chemical substances and maintain them in an accessible location for employees.
<input type="checkbox"/>	5	Only purchase and store needed quantities of hazardous materials.
<input type="checkbox"/>	6	Water-based paints should be dried and properly disposed of in dumpsters. Dispose of excess oil-based paints and sludge as hazardous waste.
<input type="checkbox"/>	7	Designate an indoor or covered area for hazardous waste collection.
<input type="checkbox"/>	8	Hazardous waste should be stored in secure, closed containers, and protected from damage. Store hazardous waste containers within secondary containment measures.

**Best Management Practices
Solid Waste Storage and Disposal
(Continued)**

Practice		
<input type="checkbox"/>	9	Label hazardous waste containers clearly with the words “Hazardous Waste” and the date when the hazardous waste accumulation began.
<input type="checkbox"/>	10	DO NOT mix wastes; this may cause chemical reactions, make recycling impossible, and complicate disposal.
<input type="checkbox"/>	11	Arrange for regular hazardous waste collection before containers reach capacity and as required by hazardous waste generator status.
<input type="checkbox"/>	12	Ensure that hazardous waste is collected, removed, and disposed of only at authorized disposal sites by an approved hazardous waste hauler. DO NOT discard hazardous waste into dumpsters. Maintain disposal manifests for a minimum of three years.
<input type="checkbox"/>	13	Recycle any useful waste such as used oil, spent solvents, used batteries, scrap metal, used oil filters, etc. Filter and re-use thinners and solvents, whenever possible.
<input type="checkbox"/>	14	Store used oil in appropriate closed containers, label containers clearly with the words “Used Oil,” and provide secondary containment for containers with capacity of 25 gallons or above.
<input type="checkbox"/>	15	Store universal waste in appropriate containers, indoors or under cover, and label containers clearly with the words “Universal Waste,” the material (e.g., “lamps,” “batteries,” etc.), and the accumulation start date.
<input type="checkbox"/>	16	Store used batteries indoors or under cover and within secondary containment.
<input type="checkbox"/>	17	Store used tires and rusted metal under cover and off the ground, if practicable, prior to disposal.
<input type="checkbox"/>	18	Place spill kits where they are readily accessible.
<input type="checkbox"/>	19	If containers leak or spill, clean up immediately; follow the BMPs in the Spill Prevention and Response section of this Manual.
<input type="checkbox"/>	20	At a minimum, OWSs must be inspected annually and cleaned to remove accumulated oil, grease, floating debris, and sediment in order to maintain proper operation and removal efficiency. Removed materials must be disposed of properly.
<input type="checkbox"/>	21	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required. Train employees on proper waste control and disposal procedures as well as spill prevention and control.

Best Management Practices Spill Prevention and Response

Description

Small spills of oil (less than 25 gallons) can be cleaned up using absorbent materials or other acceptable practices as long as they are cleaned up within 72 hours and do not threaten ground or surface waters. All spills five gallons or more must be reported to Airport personnel according to the *Spill Reporting Fact Sheet* for each specific DOTA airport. Daily inspections of the facility shall be conducted to identify any small spills, which shall be addressed immediately.

In the event of a large or uncontrolled release, the owner or manager of the facility shall act as the Emergency Coordinator (EC). Tenant employees shall follow the BMPs listed below, where practicable.

Limitations

There are no major limitations to the implementation of these BMPs.

Practice		
<input type="checkbox"/>	1	Immediately STOP WORK in the event of a spill and initiate spill cleanup procedures.
<input type="checkbox"/>	2	Determine the source of the release and any hazards present, notifying employees in the vicinity and keeping non-essential employees and visitors away from the spill area. Attempt to turn off the source of the spill, if it can be safely accomplished. If the spill originates from a fuel delivery truck or from an AST fill port, alert the truck operator to stop fuel delivery.
<input type="checkbox"/>	3	Notify Airport Personnel, (ARFF, Code 22, Dispatch, Duty Manager, etc.) according to the Spill Reporting Fact Sheet for the airport. This can be found on the environmental webpage (http://hidot.hawaii.gov/airports/doing-business/engineering/environmental/) under the applicable airport.
<input type="checkbox"/>	4	Prevent vehicles and equipment from driving through the spill area.
<input type="checkbox"/>	5	Protect qualified personnel with appropriate PPE, as required by the SDS, when responding to spills.

Best Management Practices
Spill Prevention and Response Practices
(Continued)

Practice		
<input type="checkbox"/>	6	<p>Confine the spill to prevent further migration using drainage diversion practices and controls, including, but not limited to:</p> <ul style="list-style-type: none"> • Dike and/or berm the area downgrade from the spill using absorbent booms, sand, soil, or other inert material; • Protect storm drains with drain covers, plastic cover materials, rubber mats, absorbent booms, and/or sandbags; • Divert chemicals from entering DOTA MS4, drainage system, and State waters; • Implement retention techniques such as temporary lined pits; and • Clean the spill with granular absorbent material, absorbent pads and booms, and/or rags.
<input type="checkbox"/>	7	<p>Clean and properly dispose of the accumulated product resulting from the release. Properly collect and containerize the spilled materials, affected media, and used decontamination solutions, and transport off-site in accordance with applicable state and federal regulations.</p>
<input type="checkbox"/>	8	<p>Use the following procedures to clean stained pavement:</p> <ul style="list-style-type: none"> • Place a berm around the stain to contain liquids generated from cleaning activities; • Scrub the area using a biodegradable detergent or biodegradable degreasing solution; and • Rinse the area while ensuring that all detergent and rinse water is collected in the bermed area and properly removed and disposed.
<input type="checkbox"/>	9	<p>After the spill has been properly addressed, provide a completed spill incident form along with photographic documentation to AIR-EE as soon as possible by emailing to dot.air.environmental@hawaii.gov. The spill incident form can be found on the environmental webpage (http://hidot.hawaii.gov/airports/doing-business/engineering/environmental/) under the applicable airport.</p>
<input type="checkbox"/>	10	<p>Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.</p>

Best Management Practices Outdoor Loading and Unloading Practices

Description

Loading and unloading activities involving cargo, HAZMAT, aircraft servicing, and waste disposal operations are conducted at common use areas of the AOA and tenant spaces. The loading and unloading of materials usually take place outside; therefore, materials spilled, leaked, or lost during these activities may collect in the soil or on other surfaces and have the potential to impact stormwater runoff.

Limitations

There are no major limitations to the implementation of these BMPs.

Practice		
<input type="checkbox"/>	1	Perform loading and unloading operations in designated areas, away from DOTA MS4, drainage system, and State waters.
<input type="checkbox"/>	2	Utilize PPE such as eye protection, face shield, rubber gloves, and protective apron when engaging in HAZMAT handling operations.
<input type="checkbox"/>	3	Park trucks or GSE in designated areas that have drainage controls to contain spills or leaks of materials.
<input type="checkbox"/>	4	Limit exposure of material to rainfall, whenever possible, such as only loading or unloading during dry weather or conducting loading and unloading operations under cover. Whenever possible, avoid staging the loading/unloading area near storm drains or cover storm drains during loading or unloading operations
<input type="checkbox"/>	5	Check loading/unloading equipment regularly for leaks. Remove any faulty or leaking equipment from service.
<input type="checkbox"/>	6	Use drip pans underneath hose and pipe connections, access fittings, and other leak-prone spots during liquid transfer operations. Drip pans should also be used for leaking delivery trucks, where appropriate.
<input type="checkbox"/>	7	Conduct regular broom sweeping of the loading and unloading area.
<input type="checkbox"/>	8	Maintain spill kits on all petroleum storage tank trucks as well as near the loading and unloading areas. In addition, place sufficient spill kits where it will be readily accessible.
<input type="checkbox"/>	9.	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.

Best Management Practices Triturator Operation Practices

Description

The sanitary sewage and associated rinse waters produced during the servicing of aircraft lavatory facilities must be discharged to the designated DOTA triturator facility. All tenants and applicable personnel are responsible for proper disposal of waste associated with ground servicing of aircraft lavatory facilities. Tenant employees will follow each of the following steps for proper operation of the triturator facilities to minimize the risk of a wastewater spill.

Due to the potential for exposure to unknown pathogens, all wastewater spills, no matter how small, must be reported to Duty Manager/Code 22, Ramp Control, dispatch, or ARFF. In the event of a sewage spill, refer to HAR, Title 11, DOH, Chapter 62, Wastewater Systems.

Limitations

There are no major limitations to the implementation of these BMPs.

Practice		
<input type="checkbox"/>	1	Ensure the pit door is open when discharging to a triturator facility.
<input type="checkbox"/>	2	Position the vehicle so that the discharge pipe is centered over the pit to avoid spillage.
<input type="checkbox"/>	3	Some tritulators may require the activation of the equipment via a start button. Verify that the triturator equipment is on prior to discharge.
<input type="checkbox"/>	4	DO NOT leave the vehicle unattended while waste is discharging.
<input type="checkbox"/>	5	Use the water hose to push clean water through the interior compartment of the vehicle. Note: the exterior of vehicles should not be washed at the triturator units.
<input type="checkbox"/>	6	Upon completion, check that the discharge valve is tightly closed to prevent releases. In the event of a faulty discharge valve, do not move the vehicle until the discharge valve is repaired or corrected.
<input type="checkbox"/>	7	When discharge is complete, move the vehicle and clean area surrounding the pit, as necessary.
<input type="checkbox"/>	8	Some tritulators may require the deactivation of the equipment with a stop button. Verify that the triturator equipment is off prior to departure.
<input type="checkbox"/>	9	Observe the following warning signs to check for non-stormwater discharges: <ul style="list-style-type: none">• Distinct odor• Black staining inside drainage pipe• Visible evidence of sanitary waste (e.g., toilet paper, gray water)

**Best Management Practices
Triturator Operation Practices
(Continued)**

Practice		
<input type="checkbox"/>	10	If an accidental spill occurs: Stop, Notify Airport Personnel, and Cleanup. Notify Airport Personnel in accordance with the Spill Reporting Fact Sheet for the airport. This can be found on the environmental webpage (http://hidot.hawaii.gov/airports/doing-business/engineering/environmental/) under the applicable airport. Conduct cleanup in accordance with the Triturator Fact Sheet.
<input type="checkbox"/>	11	Conduct employee training, as described under the Good Housekeeping Practices section of this Manual, at a minimum annually, or as required.

ATTACHMENT I
LIST OF APPLICABLE FEDERAL, STATE,
AND LOCAL REGULATIONS APPLYING TO
ENVIRONMENTAL COMPLIANCE AT
AIRPORTS

LIST OF REGULATIONS

Code of Federal Regulations (CFR)

29 CFR § 1910 (Subparts G, H, I, J, and K) Occupational Health and Environmental Controls, Hazardous Materials, Personnel Protective Equipment, General Environmental Controls, and Medical and First Aid

29 CFR § 1910.1200 OSHA Hazard Communication Standard

40 CFR § 110 Discharge of Oil

40 CFR § 112 Oil Pollution Prevention (SPCC/Oil Pollution Act [OPA] Plans)

40 CFR § 117 Determination of Reportable Quantities for a Hazardous Substance

40 CFR §§ 122–124, 401 National Pollutant Discharge Elimination System (NPDES) Regulations for Stormwater Discharges

40 CFR §§ 260–263 Hazardous Waste Management System

40 CFR § 273 Universal Waste Management

40 CFR § 279 Used Oil Management

40 CFR § 280 Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)

40 CFR § 355 Emergency Planning and Notification

40 CFR § 370 Hazardous Chemical Reporting: Community Right-to-Know

40 CFR § 372 Toxic Chemical Release Reporting: Community Right-to-Know

40 CFR § 761 Toxic Substances (Polychlorinated biphenyls [PCBs])

49 CFR § 110.3 Discharge of Oil

49 CFR §§ 171–173, 175, and 177 Hazardous Materials Regulations (DOT)

Hawaii Administrative Rules (HAR)

HAR § 11-54 Water Quality Standards

HAR § 11-55 Water Pollution Controls

HAR § 11-58.1 Solid Waste Management Control

HAR § 11-62 Wastewater Systems

HAR § 11-104.1 Management and Disposal of Infectious Waste

HAR §§ 11-260–263 Hazardous Waste Management

HAR § 11-273 Universal Waste Management

HAR § 11-279 Used Oil Management

HAR § 11-281 Underground Storage Tanks

HAR § 11-451 State Contingency Plan

HAR § 19 Department of Transportation, Airports Division

Hawaii Revised Statutes (HRS)

HRS § 128D Environmental Response Law

HRS § 128E Hawaii Emergency Planning and Community Right-to-Know Act

HRS § 174C State Water Code

HRS § 261 Transportation and Utilities

HRS § 342D Water Pollution

HRS § 342G Integrated Solid Waste Management

HRS § 342H Solid Waste Pollution

HRS § 342I Special Waste Management

HRS § 342J Hazardous Waste

HRS § 342L Underground Storage Tanks

HRS § 342N Used Oil Recycling

ATTACHMENT II
SUMMARY OF FEDERAL AND STATE
REGULATIONS
FOR SOLID WASTE MANAGEMENT

SUMMARY OF FEDERAL AND STATE REGULATIONS FOR SOLID WASTE MANAGEMENT

Solid waste is defined in 40 CFR § 261.2 and can be further classified into hazardous waste and non-hazardous waste. Hazardous waste is defined in 40 CFR § 261.3, as well as HAR § 11-261-3. Hazardous wastes are divided into listed wastes, characteristic wastes, universal wastes, and mixed wastes. It is the responsibility of hazardous waste generators to make a hazardous waste determination and dispose of hazardous waste properly. The identification and listing of hazardous waste and standards applicable to hazardous waste generators are available in the 40 CFR §§ 261 and 262 as well as HAR §11-261 and HAR §11-262. The facility can determine their hazardous waste generator status based on the following table:

Table 1 – Hazardous Waste Generator Status, Quantity, and Accumulation Time

Hazardous Waste Generator Status	Quantity of Hazardous Waste Generated Per Calendar Month	On-site Accumulation Time
Large Quantity Generators (LQGs)	<ul style="list-style-type: none"> • $\geq 1,000$ kg or > 1 kg of acute hazardous waste • > 100 kg of acute spill residue or soil <i>No on-site accumulation limits</i>	≤ 90 days
Small Quantity Generators (SQGs)	<ul style="list-style-type: none"> • > 100 kg and $< 1,000$ kg <i>Never accumulate more than 6,000 kg at any one time</i>	≤ 180 days or ≤ 270 days (if hazardous waste is shipped 200 miles or more)
Very Small Quantity Generators (VSQGs)	<ul style="list-style-type: none"> • ≤ 100 kg • ≤ 1 kg of acute hazardous waste • ≤ 100 kg of acute spill residue or soil <i>$\leq 1,000$ kg or ≤ 1kg acute hazardous waste or ≤ 100 kg of acute spill residue or soil</i>	None

Universal waste, as defined in 40 CFR § 273 and HAR § 11-273, includes batteries, some pesticides, mercury containing equipment (mercury thermostats), and bulbs (lamps and light ballasts). The universal waste rules are not applicable to the VSQGs of hazardous waste. Universal waste handlers are classified into small-quantity universal waste handlers and large-quantity universal waste handlers. A small-quantity handler of universal waste means a universal waste handler accumulates less than 5,000 kilograms total of universal waste (i.e., batteries, pesticides, or thermostats, calculated collectively) at any time (HAR § 11-273-6). A large quantity handler of universal waste means a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (i.e., batteries, pesticides, or thermostats, calculated collectively) at any time (HAR § 11-273-6). This designation as a large-quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

Universal waste must be managed in a way that prevents release of any universal waste or component of a universal waste to the environment. Universal waste must be labeled or marked to identify the type of universal waste as follows: Universal Waste – Batteries, Universal Waste – Lamps, Universal Waste – Pesticides, and Universal Waste – Mercury Containing Equipment or Universal Waste – Mercury Thermostat. Universal waste can be stored for one year starting from the date the universal waste was generated. A large quantity universal waste handler is not required to maintain their waste manifest;

however, they are required to keep basic shipping records (40 CFR § 273.39). A small quantity universal waste handler is not required to maintain their waste manifest or basic shipping records (40 CFR § 273.19).

Used oil, as defined in 40 CFR § 279.1 and HAR § 11-279-1, is regulated under the 40 CFR § 279, HAR § 11-279, and HAR§ 11-261-6(a)(4). Containers and aboveground tanks used to store used oil as well as fill pipes used to transfer used oil into USTs at generator facilities must be labeled or marked clearly with the words “Used Oil.” Additionally, used oil generators are subject to all applicable SPCC requirements (40 CFR § 112). Used oil generators are also subject to the state’s UST standards and any applicable federal standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste.

Appendix II

Memorandum of Understanding Between DOH and DOTA

MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII

AND

DEPARTMENT OF HEALTH
STATE OF HAWAII

I. PURPOSE

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

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

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

II. BACKGROUND

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

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

III. OBJECTIVES

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

IV. DELEGATION OF ENFORCEMENT AUTHORITY

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

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

V. RESPONSIBILITIES

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

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

B. The DOH shall:

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

VI. OTHER PROVISIONS

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

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

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII

By 

Title Director of Transportation

Date _____

DEPARTMENT OF HEALTH
STATE OF HAWAII

By 

Title Director of Health

Date MAR 29 2000

Appendix III

Sample of DOTA Lease Agreement and Revocable Permit

Sample

REVOCABLE PERMIT NO. 8605 SPECIAL TERMS AND CONDITIONS

1. ENVIRONMENTAL COMPLIANCE – PERMITTEE’S DUTIES

- A. Definitions. For purposes of this Permit, the PERMITTEE agrees and understands that the following terms shall have the following meanings:

“Environmental Laws” shall mean all applicable federal, state and local laws including statutes, ordinances, rules, regulations, codes, standards, directives, guidelines, permits, licenses, authorizations, approvals, interpretations of the foregoing by the following entities where they have jurisdiction over the airport: any court, legislative body, agency or official, judicial decisions, orders, rulings or judgments, or rules of common law which currently are in effect or which may come into effect during the term of the agreement through enactment, issuance, promulgation, adoption or otherwise, any of which in any way pertain to the environment, health or safety. These environmental laws include, but are not limited to, regulations and orders of the federal Environmental Protection Agency and of the State of Hawaii Department of Health.

“Hazardous Substance” shall mean and include any chemical, substance, organic or inorganic material, controlled substance, waste, living organism, or combination thereof which is, may be, or has been determined by applicable state or federal authority under any environmental law to be hazardous to human health or safety or detrimental to the environment. This term shall include, but not be limited to, petroleum hydrocarbons, asbestos, radon, polychlorinated biphenyls (PCBs), methane, fuels of any kind, and other materials or substances that are regulated by state or federal authorities under an Environmental Law.

- B. PERMITTEE’s Activities and Duties.

1. **Compliance with Environmental Laws.** The PERMITTEE agrees, at its sole expense and cost, to comply with all Environmental Laws that apply to the Premises during the PERMITTEE’s occupancy or use of, and activities on, the Premises. Failure of the PERMITTEE to comply with any Environmental Laws shall constitute a breach of this Permit for which the DEPARTMENT shall be entitled, in its discretion, to terminate this Permit, exercise its remedies under this Permit, including remediating any condition on behalf of the PERMITTEE at the PERMITTEE’s expense under Section B.5 and Section B.7, and take any other action at law or in equity it deems appropriate and as allowed under applicable laws.

Sample

2. **Hazardous Substances.** The PERMITTEE shall not use or handle any Hazardous Substance, or allow the same by any third person, on the Premises without ensuring compliance with all Environmental Laws, including giving all required notices, reporting to, and obtaining permits from all appropriate authorities, and complying with all provisions of this Permit.
3. **Notice to DEPARTMENT.** The PERMITTEE shall respond to all reasonable inquiries by the Department regarding all Environmental Law related matters affecting the PERMITTEE's occupancy or use of the Premises. This duty shall include, without limiting the foregoing duty, when requested, providing the DEPARTMENT with a current and complete list and accounting of all Hazardous Substances of every kind which are present on or about the Premises associated with PERMITTEE'S occupancy and use, and with evidence that the PERMITTEE has in effect all required and appropriate permits, licenses, registrations, approvals and other consents that may be required of or by federal, state, and county authorities under all Environmental Laws. This duty shall also include providing written notice of any governmental or other third party investigation, enforcement action, remediation or other regulatory action, order of any type, or any legal action initiated, issued, or communicated in writing to the PERMITTEE that there is intention to take such action which relates to any Environmental Law or any Hazardous Substance and the PERMITTEE's occupancy or use at the Premises. This written notice shall be provided promptly (no later than 10 business days) to the DEPARTMENT, and the PERMITTEE shall promptly thereafter provide the DEPARTMENT with copies of all substantive written communications from such governmental or third party regarding the matter. If requested by DEPARTMENT, PERMITTEE will provide additional documentation that is relevant to the matter (other than attorney-client privileged documents), including copies of all correspondence, claims, complaints, warnings, reports, technical data and any other documents received or obtained by the PERMITTEE.
4. **[RESERVED]**
5. **Disposal/Removal.** PERMITTEE shall ensure that it properly handles its waste materials such that they are removed from the Premises for disposal in compliance with all applicable Environmental Laws. This duty shall include the transportation of said Hazardous Substances from the Premises solely by duly licensed hazardous substance transporters to duly licensed facilities for final disposal as required by all applicable Environmental Laws.

Sample

6. **Environmental Investigations and Assessments.** If the presence of any Hazardous Substance causes contamination of the Premises during the PERMITTEE's occupancy or use of the Premises, the PERMITTEE, at its sole cost and expense, shall cause to be conducted such investigations and assessments of the Premises to determine the presence of any hazardous substance on, in, or under the Premises. The PERMITTEE shall retain a competent and qualified person or entity that is satisfactory to the DEPARTMENT or governmental authority, as the case may be, to conduct said investigations and assessments. The PERMITTEE shall direct said person or entity to provide the DEPARTMENT or governmental authority, if so requested, with testable portions of all samples of any soils, water, ground water or other material that may be obtained for testing, and provide directly to the State and the governmental authority at the sole expense of the PERMITTEE, written results of all tests on said samples upon completion of said testing.
7. **Remediation.** If Permittee's use of any Hazardous Substance at the Premises causes contamination of the Premises during the PERMITTEE's occupancy or use of the Premises (herein referred to as "Permittee Contamination"), the PERMITTEE shall, at its sole expense and cost, remediate the Premises, or any location off the Premises to which it is determined that the Hazardous Substance has migrated, of any Hazardous Substances. Said duty to remediate includes ensuring proper disposal of Hazardous Substances removed while performing such remediation in accordance with Section B.5. This duty to remediate Permittee Contamination includes strictly complying with all Environmental Laws and directives to remediate issued by any federal or state governmental authority charged with enforcing the Environmental Laws. In the absence of a directive to remediate being issued by applicable federal or state governmental authority, the DEPARTMENT can also require the PERMITTEE to remediate Permittee Contamination in compliance with applicable Environmental Laws. This duty to remediate shall include replacement of any materials, such as soils, so removed with material that is satisfactory to the DEPARTMENT and/or any governmental authority, as the case may be. If the PERMITTEE has conducted an initial site assessment of the Premises which includes soil and ground water analyses for Hazardous Substances at the commencement of this Revocable Permit or the PERMITTEE's occupancy, whichever shall have first occurred, to the satisfaction of the DEPARTMENT, the PERMITTEE shall be responsible for remediation and restoration of the Premises to the extent it is necessary to remediate and restore the Premises to the condition of the Premises and levels of contamination or Hazardous Substances that existed on the Premises at the commencement of the PERMITTEE's occupancy or term of this

Sample

Permit, whichever shall have first occurred, as shown by said initial site assessment.

8. **[RESERVED]**

9. **Surrender of Premises.** At least thirty days prior to termination of this Permit, or termination of the possession of the Premises by the PERMITTEE, whichever shall first occur, the PERMITTEE shall provide the DEPARTMENT with written evidence reasonably satisfactory to the DEPARTMENT that the PERMITTEE has fully complied with all applicable Environmental Laws, including any order issued by any governmental authority to the PERMITTEE that relate to the Premises. The PERMITTEE hereby agrees (with respect to Permittee's Contamination) to restore the Premises, at its sole cost and expense, including the soil, groundwater and structures on, in, or under the Premises, to the same condition as the Premises existed at the commencement of this Permit, reasonable wear and tear to the structures excepted. Any soil or ground water remediation shall be conducted in accordance with Section B.7 above. In the event the PERMITTEE does not restore the Premises as required herein, the DEPARTMENT may exercise its rights under Section B.10. If the damages are such that the DEPARTMENT cannot re-let the Premises, the PERMITTEE shall be liable for the Permit rent in the same manner and amount as if this Permit had continued in effect during the same period of restoration.

10. **DEPARTMENT's Right to Act.** In the event the PERMITTEE fails for any reason to comply with any of its duties under this Permit or under any Environmental Laws within the time set for doing so, the DEPARTMENT shall have the right, but not the obligation, in its sole discretion, after first providing written notice and a reasonable opportunity for PERMITTEE to perform those duties, to perform those duties itself, or cause them to be performed. The PERMITTEE hereby grants access to the Premises at all reasonable hours to the DEPARTMENT, its agents and anyone designated by the DEPARTMENT in order to perform said acts and duties. Any cost, expense or liability of any type that may be incurred by the DEPARTMENT in performing said acts or duties shall be the sole responsibility of the PERMITTEE, and the PERMITTEE hereby agrees to pay for those costs and expenses which are reasonably incurred and documented. This obligation shall extend to any costs and expenses incident to enforcement of the right to act, including litigation costs, attorneys fees, and the cost and fees for collection of said cost, expense or liability.

Sample

11. **Release and Indemnity.** The PERMITTEE hereby agrees to release the DEPARTMENT, its officers, employees, agents, successors and assigns from any liability of any kind, including, but not limited to, any liability for any damages, penalties, fines, judgments, or assessments that may be imposed or obtained by any person, agency, or governmental authority against the DEPARTMENT and/or the PERMITTEE caused by Permittee's Contamination. The PERMITTEE hereby agrees to indemnify, defend with counsel suitable to the DEPARTMENT and hold harmless the DEPARTMENT from any liability that may arise in connection with, or by reason of, Permittee's Contamination. The PERMITTEE understands and agrees that any assessments, fines or penalties that may be assessed against the PERMITTEE or the DEPARTMENT by reason of any Environmental Law violation concerning Permittee's Contamination, shall be paid, complied with, and in every way satisfied by the PERMITTEE, and not the DEPARTMENT.
12. **[RESERVED]**

Appendix IV

Sample Environmental BMP Inspection Report



Tenant Environmental BMP Inspection Report



Date:	Time:	Weather:	Physical Address:
Common Tenant Name:			
Leaseholder Name:		PMID(s):	
Tenant Representative(s):		Contact Email:	Contact Phone:
Other Occupant(s):		Previous Risk Ranking:	
Type of Inspection: <input type="checkbox"/> Initial <input type="checkbox"/> Routine <input type="checkbox"/> Follow-up <input type="checkbox"/> Complaint <input type="checkbox"/> Other:			
Previous Enforcement: <input type="checkbox"/> None <input type="checkbox"/> Written Warning <input type="checkbox"/> NOV <input type="checkbox"/> Lease Termination <input type="checkbox"/> Other:			
Facility Description:			
Facility Classification: <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial		SIC Code(s):	
Facility Operations:			
<input type="checkbox"/> Aircraft Maintenance & Repair <input type="checkbox"/> Aircraft Fueling <input type="checkbox"/> Aircraft Washing <input type="checkbox"/> Aircraft Parking <input type="checkbox"/> Cargo Operations <input type="checkbox"/> Tie-Down Space <input type="checkbox"/> Other: _____		<input type="checkbox"/> Vehicle and/or Equipment Maintenance & Repair <input type="checkbox"/> Vehicle and/or Equipment Fueling <input type="checkbox"/> Vehicle and/or Equipment Washing <input type="checkbox"/> Vehicle and/or Equipment Parking <input type="checkbox"/> Material Storage & Handling <input type="checkbox"/> Hazardous Material Storage <input type="checkbox"/> Waste Handling & Disposal	
NPDES:			
NPDES/CNEE Permit No.: _____ <input type="checkbox"/> No <input type="checkbox"/> N/A		NPDES Permit On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
NPDES/CNEE Permit Type: _____		NPDES Expiration Date: _____	
SWPCP On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		SWPCP Date: _____	
SWPCP Reviewed by DOTA: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		SWPCP Inspection Date: _____	
SWPCP Training Date: _____		BMP Plan On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
DMR Submittal to DOH Date: _____			
SPCC & UST:			
SPCC Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		SPCC Plan Date: _____	
Reflects Tenant's Current Assets? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		SPCC/AST & UST Inspection Records: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
UST Permit: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		UST Permit No. & Exp Date: _____	
Records Review:			
DOTA Tenant Agreement: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		DOTA Tenant Agreement Issuance Date: _____	
DOTA Environmental Compliance Training Date: _____		Spill History Records (Past 3 Years): _____	
Annual Permanent BMP Inspections: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		Permanent BMP Inspection Date: _____	
Permanent BMP Maintenance Records: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		Waste Generator Status (RCRA): _____	
Waste Disposal Records (incl. OWS): <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		EPA RCRA ID No.: _____	
UIC Permit No. & Exp. Date: _____		UIC Inspection Records: _____	
Paint Booth Operations Permit: _____		IWDP Permit No. & Exp Date: _____	
Asset & Material Inventory (Including wash racks, ASTs, MSTs, USTs, OWSs, grease traps/interceptors, generators, oil-filled transformers, hydraulic systems, 55-gallon drums, parts washers, propane tanks, and AFFF):			



Tenant Environmental BMP Inspection Report



No.	Inspection Item	Yes	No	N/A	Comments
General / Good Housekeeping					
1.	Exposed areas of the facility are free of stains that produce sheen, unattended spills, or active leaks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Surfaces are swept and not washed down unless a collection method and/or treatment device contains wash water and is properly disposed, and has no potential to impact stormwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Trash and debris are minimized at the facility and placed in covered receptacles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	No illicit discharges are observed during the inspection. Document any evidence of discharge to DOTA MS4, drainage system, or State waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Discharge points to storm drainage system do not exhibit unusual characteristics (e.g., color, odor, sheen, foam, or floatables) or sediment/debris accumulation. Outfalls on site correspond to SWPCP, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.	BMPs implemented within storm drainage system are adequately maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Parked vehicles and equipment are located in designated areas, not over storm drains, and not leaking or drip containment measures have been implemented.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.	Spill kits are available to prevent impact on stormwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.	Fertilizer and pesticides are properly stored and application minimized to prevent impact on stormwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Aircraft, Vehicle, and Equipment Maintenance and Repair					
10.	Maintenance is conducted under cover, or outside only when cover is not available, with BMPs implemented to prevent contact with stormwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11.	Greasy and/or leaking aircraft, vehicles, and equipment are stored under cover and with drip protective measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Salvage equipment is stored indoors or under cover, when possible. Fluids and batteries have been removed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Aircraft, Vehicle, and Equipment Fueling					
13.	All fueling activities conducted outside of designated areas are performed away from storm drain inlets, DOTA MS4, drainage system, or State waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14.	Accumulation in bermed or diked areas are minimized, managed, and disposed of correctly. Disposal records maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15.	Fuel containers, ASTs, MSTs, and equipment in fueling areas are labeled and in good condition (i.e., do not exhibit signs of leaking, severe rust, or malfunction).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16.	If an AST or MST is equipped with an overfill alarm or automatic shutoff, they are in working condition. USTs are equipped with a release detection system (e.g., Veeder Root). Valves, hoses, and piping are free of damage and excessive corrosion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Aircraft, Vehicle, and Equipment Washing					
17.	Washing at the facility takes place at DOTA wash racks or within a designated area where all wash water is collected, contained, and properly disposed of. Biodegradable soap is used, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Container / Material Storage and Handling					
18.	All containers are compatible with materials stored, free of damage with no signs of failure, and are properly labeled. Empty containers are labeled as "empty."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19.	All single-walled liquid containers with a capacity of 25 gallons or greater are stored indoors or under cover and within secondary containment measures. Accumulation in secondary containment is minimized, managed, and disposed of properly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20.	All liquid containers with a capacity of less than 25 gallons are stored indoors or under cover, when possible. If stored outdoors, they are within secondary containment measures. Accumulation in secondary containment is minimized, managed, and disposed of properly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21.	Materials are stored indoors or under cover, where practicable. Materials stored outside are covered and placed on dunnage where practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22.	Used batteries are stored indoors or under cover and within secondary containment measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste Management and Disposal					
23.	Hazardous and universal waste are stored in designated areas, compatible with materials stored, free of damage, leaks or stains, and properly labeled. Hazardous liquids are stored within secondary containment as appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
24.	Waste collection and disposal (including parts washers) is properly removed off-site and recycled (if applicable). Records are maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25.	Waste dumpsters are covered when not in use and do not exceed capacity. Waste areas are free of leaks or stains and located away from storm drainage system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Tenant Environmental BMP Inspection Report



Description of Deficiency			
<u>No.</u>	<u>Description</u>	<u>Photo No.</u>	<u>Deficiency Due Date</u>
Additional Comments and Recommendations:			
<u>No.</u>	<u>Description</u>	<u>Photo No.</u>	

Check box if:

- ☐ No deficiencies were found, and I certify that this inspection found this facility to be in conformance with the DOTA Environmental Compliance Program.

- ☐ Incidents of deficiencies were found and discussed with Tenant Representative.



Tenant Environmental BMP Inspection Report



"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designated to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Inspector Name: _____

Signature: _____ Date: _____

SAMPLE



Tenant Environmental BMP Inspection Report



INSPECTION PHOTOGRAPHS

Photo 1 Description:	Photo 2 Description:
Photo 3 Description:	Photo 4 Description:



Tenant Environmental BMP Inspection Report



INSPECTION PHOTOGRAPHS

Photo 5 Description:	Photo 6 Description:
Photo 7 Description:	Photo 8 Description:

Appendix V

Closure Report for DOTA Tenant



CLOSURE REPORT FOR DOTA TENANT



Tenant Name		PMID		Date	
Address		SIC Code		Time	
		Contact Number		Weather	
Contact Person			Follow-Up For: <input type="checkbox"/> Written Warning <input type="checkbox"/> NOV <input type="checkbox"/> Lease Termination <input type="checkbox"/> Other		

Item No.	Deficiencies from Inspection Dated:	Photo No.	Due Date	Corrective Action Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				



CLOSURE REPORT FOR DOTA TENANT



INSPECTION AND CORRECTIVE ACTION PHOTOGRAPHS

Photo 1 Before:	Photo 1 After:
Photo 2 Before:	Photo 2 After:



CLOSURE REPORT FOR DOTA TENANT



INSPECTION AND CORRECTIVE ACTION PHOTOGRAPHS

Photo 3 Before:	Photo 3 After:
Photo 4 Before:	Photo 4 After:

Appendix VI

Sample Letter for Notice of Violation

DAVID Y. IGE
GOVERNOR

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

IN REPLY REFER TO:

AIR-EE
21.0000

[date]

Mr. Guy Smith
Owner
Smith's Fuel Service
123 Aoke Street
Honolulu, Hawaii 96819

Dear Mr. Smith:

Subject: Tenant Notice of Violation ("NOV") on Smith's Fuel Service
Daniel K. Inouye International Airport (HNL)
123 Aoke Street

You are hereby notified of apparent violations of the HNL National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer System (MS4) Permit, and Stormwater Management Program Plan (SWMPP) Section F.

On [date], inspectors from EnviroServices & Training Center, LLC (ETC), on behalf of the State of Hawaii, Department of Transportation, Airports Division (DOTA), conducted a routine environmental inspection of your leased space at HNL (PMIDs HNL.000.000.00.00). Deficiencies were identified during this inspection, with a time frame of 30 days to provide corrective actions.

An Investigation Letter, dated [date], was then sent via certified mail stating that corrective actions were not provided within the time frame. The Investigation Report included an additional time frame of 30 days to provide corrective actions for the deficiencies, or by [date]. The certified letter was returned unsigned and sent via email, with confirmed receipt and an extension of 30 days was granted or by [date].

The following deficiencies from the [date] inspection are still outstanding:

- 1.
- 2.
- 3.

This is your final notice that deficiencies shall be corrected within 30 days of the date on this letter, or by [date]. Please submit your corrective action photos to the address below or via email to kylie.e.emily@hawaii.gov.

State of Hawaii, Department of Transportation
Airports Division
400 Rodgers Boulevard, Suite 700
Honolulu, Hawaii 96819-1880
ATTN: HNL Environmental Program (AIR-EE)

Failure to respond adequately to this letter will indicate the need for further enforcement, which may include termination of lease, and/or referral to the Department of Health, Clean Water Branch.

Should you have any questions, please contact Ms. Kylie Emily, Environmental Health Specialist, at (808) 838-8064 or kylie.e.emily@hawaii.gov.

Sincerely,

JADE T. BUTAY
Director of Transportation

Enclosure: AIR-EE Letter No. 21.0000, dated [date]

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

bc: Airport Manager, Oahu District
Property Management Supervisor
Director, Department of Health

Appendix VII

Sample Letter of Revocation and Notice to Vacate

DAVID Y. IGE
GOVERNOR

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

IN REPLY REFER TO:
AIR-EE
21.0000

[date]

Mr. Guy Smith
Smith's Fuel Service
123 Aoke Street
Honolulu, Hawaii 96819

Dear Mr. Smith:

Subject: Tenant Letter of Revocation and Notice to Vacate
Daniel K. Inouye International Airport
123 Aoke Street

This Letter of Revocation and Notice to Vacate is hereby issued to Smith's Fuel Service. (PMID HNL.000.000.00.00) at Daniel K. Inouye (HNL) Airport for the stormwater pollution control deficiencies identified during the site inspection conducted on [date]. The non-compliance items included [deficiencies].

A Notice of Violation Report and letter dated [date] was previously sent via certified mail stating that [number] non-compliance items were identified during [date] inspection of the tenant space. These non-compliance items were not corrected by the issued deadline of [date].

Compliance with the HNL Small Municipal Separate Sewer System (MS4), National Pollutant Discharge Elimination System (NPDES) Small MS4 Permit HI S000005, HNL's Storm Water Management Program Plan (SWMPP), NPDES General Permit Coverage for Storm Water Associated with Industrial Activities under the Hawaii Administrative Rules (HAR) Chapter 11-55 Appendix B, and HAR Title 19 is a requirement of the Tenant Lease Agreement/Revocable Permit.

Therefore, as referenced in the HNL Small MS4 NPDES Permit HI S000005, HNL's SWMPP - Inspection and Enforcement Manual, DOTA has selected the enforcement escalation under the Lease Agreement to issue a Letter of Revocation and Notice to Vacate as a last resort.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions, please contact Ms. Kylie Emily, Environmental Health Specialist, at (808) 838-8064 or kylie.e.emily@hawaii.gov.

Sincerely,

JADE T. BUTAY
Director of Transportation

Enclosures: Storm Water BMP Inspection Checklist, Dated [date]
DOTA Written Warning, Inspection Report, Letter, AIR-EE 21.0000, Dated [date]
Notice of Violation, Dated [date]

bc: Airport Manager, Oahu District
Property Management Supervisor (HNL)
Interim Director of Health

CERTIFIED MAIL - RETURN RECEIPT REQUESTED