



# Stormwater Management Program Plan

Daniel K. Inouye  
International Airport

## Section F: Industrial and Commercial Activities



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

NPDES Permit No. HIS000005



August 2019

---

## TABLE OF CONTENTS

---

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	ROLES AND RESPONSIBILITIES .....	1
1.2	TENANT INSPECTOR TRAINING .....	3
<b>2.0</b>	<b>TENANT STORMWATER REQUIREMENTS .....</b>	<b>4</b>
<b>3.0</b>	<b>TENANT OVERSIGHT PROGRAM .....</b>	<b>5</b>
3.1	TENANT INVENTORY AND MAP .....	5
3.2	TENANT REQUIREMENTS.....	5
3.2.1	<i>Tenant Discharge Permit .....</i>	<i>7</i>
3.2.2	<i>NPDES Requirements and SWPCP Review.....</i>	<i>7</i>
3.3	INSPECTION .....	7
3.4	ENFORCEMENT.....	8
3.4.1	<i>DOH Referral.....</i>	<i>9</i>
<b>4.0</b>	<b>EVALUATION METHODS.....</b>	<b>10</b>

### TABLES

TABLE 1:	TENANT PROGRAM ROLES AND RESPONSIBILITIES .....	1
TABLE 2:	TENANT INSPECTION FREQUENCY .....	7
TABLE 3:	TENANT PROGRAM MEASURABLE STANDARDS, MILESTONES, AND MONITORING .....	10
TABLE 4:	TENANT PROGRAM GOALS AND EVALUATION METHODS.....	13

### SWMPP SECTION F ATTACHMENTS

- Attachment F.1: Permit to Discharge into the State Airport Drainage System for Airport  
Tenants
- Attachment F.2: Tenant Inspection and Enforcement Manual
- Attachment F.3: Stormwater Pollution Control Plan Review Checklist

## 1.0 INTRODUCTION

The goal of this tenant industrial and commercial activities discharge management program (Tenant Program) is to reduce to the maximum extent practicable (MEP) the discharge of pollutants from tenant activities to the Municipal Separate Storm Sewer System (MS4). This program includes tenant permit requirements, inspection, and enforcement procedures.

### 1.1 Roles and Responsibilities

Those parties with specific roles in regards to the Tenant Program are included in Table 1.

**TABLE 1: TENANT PROGRAM ROLES AND RESPONSIBILITIES**

Section	Title	Responsibilities
<b>AIR-EE</b>	Supervisor	<ul style="list-style-type: none"><li>• Provides Program Oversight</li><li>• Tracks and Analyzes Program Data</li><li>• Approves Permits to Discharge into the State Airport Drainage System for Airport Tenants</li><li>• Supports EHSs</li><li>• Facilitates Training and Education</li></ul>
<b>AIR-EE</b>	Environmental Health Specialists*	<ul style="list-style-type: none"><li>• Conducts Tenant Inspections and Enforcement, when necessary</li><li>• Reviews Industrial Tenant Stormwater Pollution Control Plans (SWPCPs)</li><li>• Updates Database</li><li>• Provides On-Site Training During Inspections</li><li>• Assists with obtaining new lease and terminated lease information</li><li>• Prepares and distributes educational information</li></ul>
<b>AIR-PM</b>	Property Management Staff	<ul style="list-style-type: none"><li>• Executes Tenant Lease Agreements</li><li>• Distributes Educational Materials</li></ul>
<b>Oahu District</b>	Airport Manager	<ul style="list-style-type: none"><li>• Oversees Tenant Activities</li><li>• Facilitates Enforcement</li></ul>

Section	Title	Responsibilities
	Tenants	<ul style="list-style-type: none"> <li>• Implements best management practices (BMPs) for Site Activities</li> <li>• Participates in Training</li> <li>• Maintains Permit to Discharge into the State Airport Drainage System for Airport Tenants</li> <li>• Where Applicable, Maintains National Pollutant Discharge Elimination System (NPDES) Permit and Conducts Stormwater Monitoring</li> <li>• Where applicable submits SWPCPs to AIR-EE for acceptance</li> <li>• Participates in and Corrects Deficiencies Identified During Inspection</li> </ul>

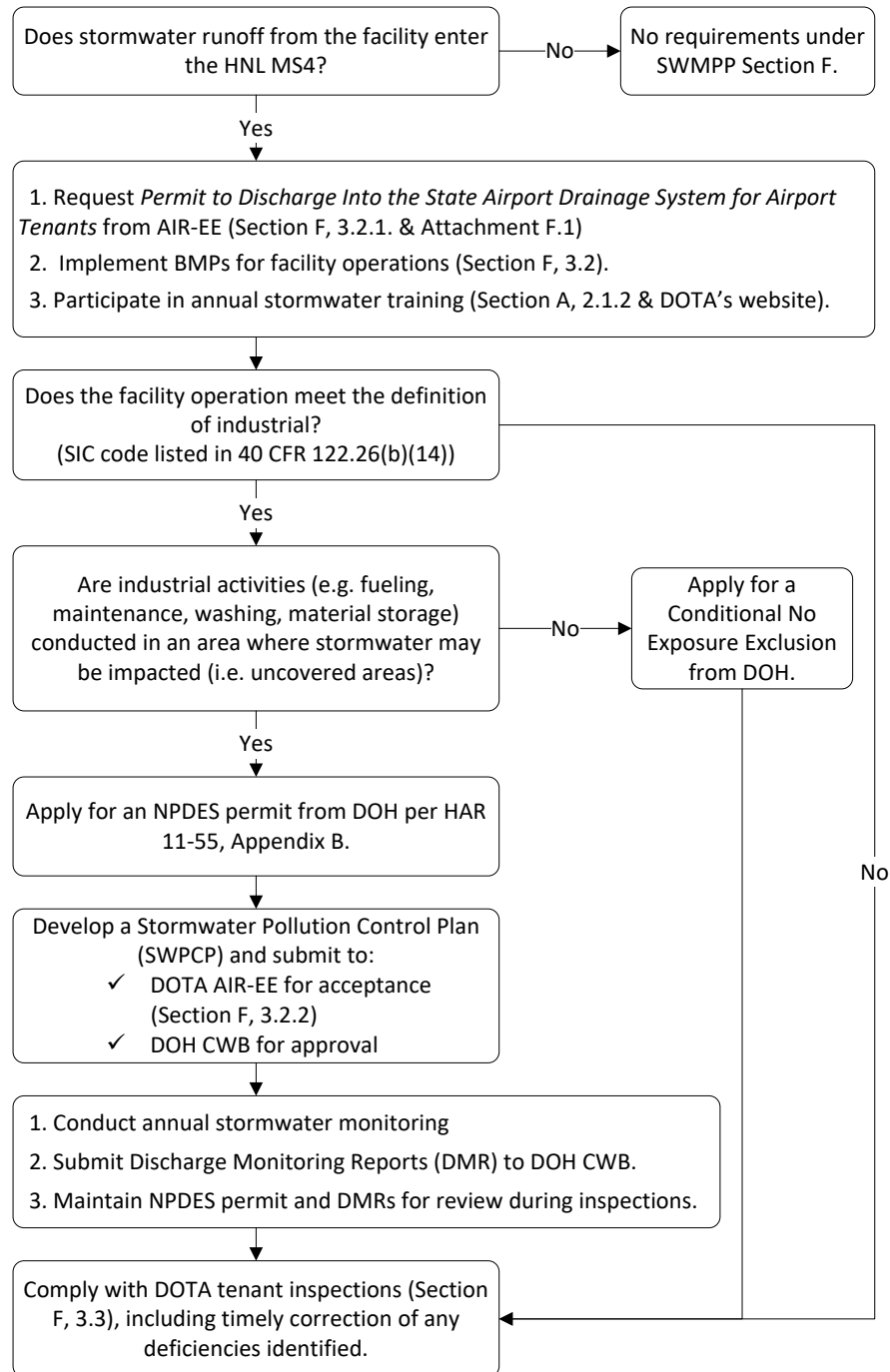
\*Note: Consultants may be used to fill roles where necessary.

## **1.2 Tenant Inspector Training**

As described in *Stormwater Management Program Plan (SWMPP) Section A, 2.1.5*, Department of Transportation, Airports Division (DOTA) Inspectors receive training on procedures for conducting industrial and commercial tenant inspections. This training includes information on industrial NPDES permit requirements, components of a *SWPCP*, applicable BMPs, and inspection and enforcement techniques. All inspectors will initially receive this specific formal training and may be required to conduct on-the-job training with a more experienced inspector. Additionally, when there are program changes such as a revision to this section or DOTA inspection procedure, a refresher course will be provided. Any updates to the training program will be communicated to the Department of Health (DOH) for review and acceptance within 90 days of the change. Furthermore, all inspectors are required to participate in the annual industrial and commercial tenant stormwater training, more fully described in *SWMPP Section A, 2.1.2*.

## 2.0 TENANT STORMWATER REQUIREMENTS

The flow chart below details the compliance requirements for tenants with leased areas at HNL. The details of these requirements are discussed further in the following sections.



### 3.0 TENANT OVERSIGHT PROGRAM

Tenant activities at HNL have the potential to impact the MS4 and/or receiving waters. Therefore, DOTA has developed this oversight program to aid in reducing the discharge of potential pollutants from tenant's leased areas.

#### 3.1 Tenant Inventory and Map

A tenant inventory for all industrial and commercial facilities at HNL is available in the Enviance, Veoci, or similar database, which is frequently updated by AIR-EE and their consultants as tenants or their assets change. The inventory includes:

- Facility name.
- Principal stormwater contact.
- Street and mailing address.
- DOTA Property Management ID Number (PMID) and/or Tax Map Key (TMK).
- Drainage basin and receiving water.
- Nature of business or activity (e.g. industrial, commercial).
- Standard Industrial Classification (SIC) Code(s) that best reflect the facility or activity, as applicable.
- Industrial NPDES permit or Conditional No Exposure Exclusion (CNEE), including file number, issuance date, expiration date, and administrative extension date, as applicable.

#### DEFINITIONS:

Industrial Tenant – Facilities with SIC Codes listed in 40 CFR 122.26(b)(14)(i-xi), excluding (x). For HNL, this typically includes:

- SIC 45--: Transportation By Air
- SIC 5171: Petroleum Bulk Stations and Terminals
- SIC 4225: General Warehouse and Storage

Commercial Tenant – Any facility with the potential to discharge pollutants to the MS4 that is not industrial.

Furthermore, a map of industrial and commercial tenants at HNL was developed in February 2010 and will be updated as necessary. Contact the AIR-EE Supervisor for the latest version.

#### 3.2 Tenant Requirements

DOTA requires tenants to implement BMPs for their activities conducted at the airport. This includes both leased spaces and areas that are not assigned to a particular tenant, such as the ramp or hardstand areas. DOTA has combined the Best Management Practices for Conducting Operations at State of Hawaii Airports, Best Management Practices for T-Hangars and Tie Downs, and Common Use Areas of the AOA Best Management Practice Plan into an all-inclusive BMP plan titled Best Management Practices for Tenant Operations at State of Hawaii Airports. This BMP plan is included as an attachment in the *Tenant Inspection and Enforcement Manual*.

Since 2014, tenant leased areas are no longer covered under DOTA's MS4 permit. Therefore, tenants are required to comply with their own site specific BMPs or implement DOTA's BMPs listed in the Best Management Practices for Tenant Operations at State of Hawaii Airports, and apply for applicable NPDES Permits. This includes t-hangar and tie-down tenants, hence DOTA's SWPCP for T-Hangars and Tie Downs is no longer applicable. The updated Best Management

Practices for Tenant Operations at State of Hawaii Airports is provided in tenant information packets.

DOTA ensures that all applicable tenants implement appropriate BMPs through regular facility inspections as outlined in the *Tenant Inspection and Enforcement Manual* (Attachment F.2).



### 3.2.1 Tenant Discharge Permit

DOTA requires all tenants to obtain an approval to discharge stormwater from their facilities to the MS4. The purpose of this Permit to Discharge into the State Airport Drainage System for Airport Tenants (Attachment F.1) is to require the facility to implement BMPs in order to reduce pollutants of concern to the MEP. The majority of industrial tenants have already applied for their DOTA tenant discharge permit as a part of the NPDES application process. Additionally, DOTA requires all tenants that do not have discharge permits to obtain them within 30 days of routine inspection.

### 3.2.2 NPDES Requirements and SWPCP Review

Industrial tenants are required to obtain an industrial NPDES permit from the DOH in accordance with HAR 11-55, Appendix B. However, if tenants can prove that all industrial activities, such as maintenance, fueling, washing, and material storage occur in covered areas, then they may apply for a CNEE from the DOH. Industrial tenants that do require an NPDES permit are also required to develop a SWPCP. The SWPCP must be submitted to AIR-EE for review and acceptance along with the final version of the NPDES permit if available. AIR-EE may use the checklist in Attachment F.3 or similar to review the SWPCPs in order to ensure that plans will minimize pollutants to the MEP. Tenants must address all comments before SWPCPs may be finalized. Note: For tenants with a SIC code beginning with 45 relating to Transportation by Air, an Industrial NPDES permit and/or CNEE is required only if activities within their leased space includes maintenance washing, fueling of equipment within the leased space, etc. of their equipment, vehicles, or aircraft. Activities conducted on airport common use areas are covered under DOTA's permit at applicable airports. It is the leaseholder's responsibility to ensure all activities on their property, contracted service providers, sub-contractors, or sublets have NPDES permit coverage, if applicable.

Submit Tenant Discharge Permits, Final Copies of NPDES Permits, and SWPCPs to  
DOTA's Environmental Section (AIR-EE) via email:

[dot.air.environmental@hawaii.gov](mailto:dot.air.environmental@hawaii.gov)

### 3.3 Inspection

AIR-EE inspects all HNL industrial and commercial tenant facilities in accordance with the latest approved version of the *Tenant Inspection and Enforcement Manual* (Attachment F.2) on a frequency determined by the risk ranking (Table 2). Note that the *Tenant Inspection and Enforcement Manual* was updated to cover tenants only, not maintenance baseyards. Refer to SWMPP Section E for HNL Maintenance Baseyard inspection and enforcement procedures.

TABLE 2: TENANT INSPECTION FREQUENCY

Score	Ranking	Inspection Frequency
0 – 5	Low	Biennially (Every Two Years)
6 – 16	Medium	Annually
> 16, or a 5 in any category	High	Semi-Annually

Any facility that needs an industrial NPDES permit but does not have NPDES permit coverage	High	Quarterly until they apply for a NPDES permit from DOH
Any facility with an industrial NPDES permit (excludes CNEE)	High	Annual*

\*Note: AIR-EE will submit copies of these inspections to DOH within **30 days** of the inspection.

As a part of a typical inspection, inspectors will review facility documents, conduct a site visit, and provide educational information to tenant personnel as appropriate. Specifically, inspectors will assess:

- Deficiencies.
- Potential impacts to receiving waters.
- Appropriateness and representativeness of stormwater sampling locations.
- Stormwater monitoring results.
- Appropriateness and representativeness of deployed BMPs.
- Other controls used to minimize the discharge of pollutants to the MS4.

These inspections are documented on the Stormwater BMP Inspection Report form found in the *Tenant Inspection and Enforcement Manual*. The Stormwater BMP Inspection Report (Appendix IV, *Tenant Inspection and Enforcement Manual*) has been changed to clarify the questions and information documented during the inspection. Completed inspection reports will be emailed to the designated point of contact along with photographic documentation. AIR-EE will enter pertinent data from the inspection into the Enviance, Veoci, or similar database and maintain copies of the completed forms for five (5) years.

### 3.4 Enforcement

DOTA will pursue enforcement actions on an escalating scale to ensure that deficiencies identified during tenant inspections are corrected in a timely manner as described in the *Tenant Inspection and Enforcement Manual*. In general, the process includes the following:

1. Identification of deficiencies during the inspection.
2. Verbal warning provided during the inspection.
3. Copy of the Stormwater BMP Inspection Report, photographs, and any other supporting data provided to the tenant with a designated timeline for correction will serve as the written warning.
4. Documentation and/or photographs shall be provided to the inspector in order to verify corrective actions have been addressed by the deficiency due date listed in the inspection report. If the deficiency due date has passed and no documentation and/or photographs have been provided, a follow-up inspection or other method of verifying corrective actions may be initiated or escalation to the next enforcement level will occur.

5. Pursue other levels of enforcement, which may include investigation reports, notice of apparent violations, issuance of letter of revocation and notice to vacate, and termination of lease.

#### **3.4.1 DOH Referral**

In the event that DOTA has exhausted all available sanctions and cannot bring the facility into compliance or an industrial facility has not applied for an industrial NPDES permit, AIR-EE will notify the DOH via email ([cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov)) within **one (1) week** of the determination. For these cases following the email notification, supporting documents will be provided via e-permitting within **two (2) weeks** of the determination.

## 4.0 EVALUATION METHODS

The Tenant Program will be evaluated based on specific metrics included below to determine its effectiveness. Specifically, measurable standards, milestones, and monitoring parameters are included in Table 3 from the MS4 NPDES permit. All final tallies of progress on Tenant Program metrics will be included in the annual report to the DOH and EPA.

**TABLE 3: TENANT PROGRAM MEASURABLE STANDARDS, MILESTONES, AND MONITORING**

SWMPP Reference	BMP / Task	Measurable Standard / Milestones	Monitoring Effectiveness	Timeframe
Section F, 3.2.1	Tenant Discharge Approval	Implement the requirement for all tenants discharging to the MS4 to obtain approval from DOTA. <ul style="list-style-type: none"> <li>Develop tenant discharge permit that obligates them to implement BMPs.</li> <li>Track the number of tenants with approved permits.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>Tenant discharge permit developed.</li> </ul>	Annual
			Tabulation: <ul style="list-style-type: none"> <li># of tenants with an approved discharge permit.</li> </ul>	Annual
Section F, 3.1	Industrial Tenant Inventory	Maintain an inventory of industrial tenants in Enviance, Veoci, or similar database. <ul style="list-style-type: none"> <li>Track all necessary asset information for the tenant.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>All industrial tenant information updated.</li> </ul>	Annual
			Tabulation: <ul style="list-style-type: none"> <li># of industrial tenants.</li> </ul>	Annual
			Tabulation: <ul style="list-style-type: none"> <li># of industrial tenants requiring NPDES permit coverage.</li> </ul>	Annual
Section F, 3.1	Commercial Tenant Inventory	Maintain an inventory of commercial tenants in Enviance, Veoci, or similar database. <ul style="list-style-type: none"> <li>Track all necessary asset information for the tenant.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>All commercial tenant information updated.</li> </ul>	Annual
			Tabulation: <ul style="list-style-type: none"> <li># of commercial tenants.</li> </ul>	Annual

SWMPP Reference	BMP / Task	Measurable Standard / Milestones	Monitoring Effectiveness	Timeframe
Section F, 3.1	Tenant Map	Maintain a map of commercial and industrial facilities discharging to the MS4. <ul style="list-style-type: none"> <li>Create map with MS4 structures as well as tenant information (name, type, location) and update annually.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>Tenant map updated.</li> </ul>	Annual
Section F, 3.3	Tenant Inspections	Inspect tenant facilities to ensure compliance with stormwater requirements. <ul style="list-style-type: none"> <li>Risk rank each tenant facility in accordance with the <i>Airport Tenant NPDES Inspection and Enforcement Manual</i> and record in database.</li> <li>Conduct inspections in accordance with risk ranking.</li> <li>Provide copies of inspection reports to DOH within 30 days of inspection for tenants with industrial NPDES permits.</li> <li>Maintain inspection reports for 5 years.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>Each tenant facility risk ranked.</li> </ul>	Initial, Update After Inspection (as needed)
			Inspection: <ul style="list-style-type: none"> <li># of tenant inspections conducted.</li> </ul>	Annual
			Inspection: <ul style="list-style-type: none"> <li>Inspection report for tenants with NPDES submitted to DOH.</li> </ul>	30 Days After Inspection
			Confirmation: <ul style="list-style-type: none"> <li>Copies of inspection reports retained.</li> </ul>	5 Years After Inspection
Section F, 3.2.2.	Tenant SWPCP	Require industrial tenants with an NPDES permit to develop and implement a SWPCP. <ul style="list-style-type: none"> <li>Review submitted tenant SWPCPs and verify they have NPDES permit coverage.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>Review of SWPCPs conducted.</li> </ul>	Upon Receipt
			Tabulation: <ul style="list-style-type: none"> <li># of SWPCPs reviewed.</li> </ul>	Annual

SWMPP Reference	BMP / Task	Measurable Standard / Milestones	Monitoring Effectiveness	Timeframe
Section F, 3.4	Tenant Enforcement	Conduct enforcement as described in the <i>Tenant Inspection and Enforcement Manual</i> . <ul style="list-style-type: none"> <li>Establish a policy of escalating enforcement.</li> <li>Provide written documentation of deficiencies to tenants within 30 days of discovery.</li> <li>Notify DOH of significant deficiencies as described in Section F, 3.4.1.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>Enforcement policy established.</li> </ul>	Initial
			Confirmation: <ul style="list-style-type: none"> <li>Written documentation of deficiencies provided to tenant.</li> </ul>	30 Days
			Confirmation: <ul style="list-style-type: none"> <li>DOH notified of significant deficiencies.</li> </ul>	1 Week
Section A, 2.1.5 & Section F, 1.2	Inspector Training	Ensure that inspectors are properly trained prior to conducting tenant inspections. <ul style="list-style-type: none"> <li>Train all inspectors on inspection procedures.</li> <li>Ensure all inspectors attend annual industrial and commercial stormwater training.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>All inspectors are initially trained.</li> </ul>	Initial
			Confirmation: <ul style="list-style-type: none"> <li>All inspectors attend annual training.</li> </ul>	Annual

In Table 4, DOTA has set goals for the Tenant Program above the minimum control measures listed in Table 3. These goals provide a more complete evaluation of the effectiveness of program activities and will be used to make changes to the program as necessary. These goals will be reported separately in the annual report and may or may not be met depending upon several variables, including available manpower and funding for a particular year. For description of Outcome Categories in Table 4, refer to SWMPP Introduction, Attachment V HNL Program Effectiveness Strategy.

**TABLE 4: TENANT PROGRAM GOALS AND EVALUATION METHODS**

SWMPP Reference	Activity	Goals	Evaluation Method	Outcome Category	Timeframe
Section F, 3.2.1	Tenant Discharge Permit Approval	Implement the requirement for all tenants discharging to the MS4 to obtain approval from DOTA. <ul style="list-style-type: none"> <li>All industrial and commercial tenants discharging to the MS4 have an approved permit from DOTA.</li> <li>70% of tenants are aware of the tenant discharge permit as measured in correct responses to that question in the tenant training survey.</li> </ul>	Confirmation: <ul style="list-style-type: none"> <li>All required tenants have an approved tenant discharge permit.</li> </ul>	1-2	3/13/19
			Survey: <ul style="list-style-type: none"> <li>% of tenants aware of the requirement for the tenant discharge permit.</li> </ul>	1-3	Annual
Section F, 3.4	Tenant Inspection and Enforcement	Conduct tenant inspection and enforcement as described in the <i>Tenant Inspection and Enforcement Manual</i> . <ul style="list-style-type: none"> <li>Track the number of deficiencies identified during tenant inspections by category.</li> <li>Track the number of tenant enforcement actions.</li> </ul>	Tabulation: <ul style="list-style-type: none"> <li># of deficiencies by category.</li> </ul>	1-2	Annual
			Tabulation: <ul style="list-style-type: none"> <li># of tenant enforcement actions.</li> </ul>	1-2	Annual

## ***Attachment F.1***

### ***Permit to Discharge into the State Airports Drainage System for Airport Tenants***



## **PERMIT TO DISCHARGE INTO THE STATE AIRPORT DRAINAGE SYSTEM FOR AIRPORT TENANTS**

Pursuant to Hawaii Administrative Rules, Chapter 11-55, tenant hereby agrees to implement best management practices (BMPs) to minimize any impact from tenant activities to the Airport drainage system.

1. Name of Airport: \_\_\_\_\_
2. Name of Tenant: \_\_\_\_\_
3. Contact Number: \_\_\_\_\_
4. Contact Email: \_\_\_\_\_
5. PMID/TMK: \_\_\_\_\_
6. Basin ID: \_\_\_\_\_

The tenant hereby agrees to the following:

1. That the Licensee shall indemnify and hold the State free and harmless from all suits and actions resulting from the licensee's discharge operations.
2. That the Licensee shall provide appropriate best management practices and/or treatment devices for the removal of soil particles, and/or other pollutant(s) in the discharge, and such discharge shall meet the basic water quality criteria applicable to all waters, as identified in Section 11-54-04, and any other applicable sections in Chapter 11-54, Hawaii Administrative Rules; at the point of discharge into State waters.
3. The tenant must maintain at their facility an updated site-specific BMP or Storm Water Pollution Control Plan (SWPCP) that is specific to activities being conducted at the site and potential pollutants that may be generated.
4. The tenant will update the BMP plan or SWPCP as necessary and notify the State Department of Transportation, Airport Division (DOTA) when changes are made to potential pollutants or BMPs. Note: The DOTA reserves the right to require changes/additions to the list of potential pollutants and BMPs in the plan.
5. The tenant is obligated to implement BMPs from their BMP plan or SWPCP and prevent water quality violations to the DOTA storm drain system.
6. If required by HAR 11-55, Appendix B, the tenant shall obtain National Pollutant Discharge Elimination System (NPDES) permit coverage or a no-exposure certification as required by the State Department of Health (DOH) and submit a copy to the DOTA.
7. If required to obtain NPDES permit coverage, the tenant shall complete annual storm water monitoring and provide copies of Discharge Monitoring Reports to the DOTA by March 1<sup>st</sup> each year.
8. The tenant shall make available to inspectors from DOTA, DOH, or EPA any NPDES permit, no-exposure certification, Discharge Monitoring Report, and/or BMP plan or SWPCP.
9. Tenant shall participate in and promptly correct any deficiencies noted during site inspections.
10. Tenant shall report all spills and illicit discharges at HNL to Code 22 (808-836-6434 on Oahu) and at OGG to Airport Operations Control (808-872-3880 Maui).
11. The tenant shall stop activities, implement more stringent BMPs, and make all restoration to any State Airport or other Airport tenant property should an illegal discharge be noted from their facility.

**Discharge Permit No.:**

**Issuance Date:**

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

**Approved:**

\_\_\_\_\_  
Engineering Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Environmental Section Supervisor

\_\_\_\_\_  
Date

\*Licensee shall be the owner or authorized representative of the tenant's company.

## ***Attachment F.2***

### ***Tenant Inspection and Enforcement Manual***



# Tenant Inspection & Enforcement Manual



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

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



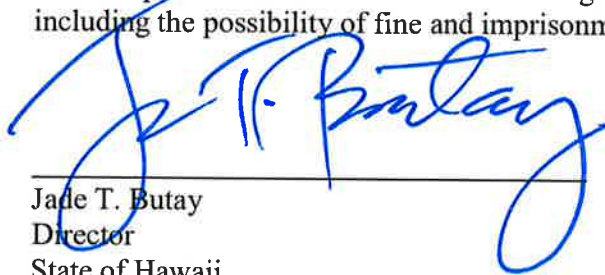
Version 8  
August 2019

## Record of Revision

Revision No.	Revision Date	Description	Sections Affected
1	April 2006	Initial Release	All
2	April 2007	Revision for enforcement procedures and BMPs	3.2, 6.2, Appendices
3	June 2008	Revision for wording, risk ranking, enforcement, BMPs, organization chart, inspection checklist, NFV	3.2, 4.1, 6.0, Appendices
4	August 2009	Revision for risk ranking criteria, enforcement flow chart, and BMPs	3.1, 3.2, 6.3; Appendices B, C, K
5	June 2011	Documentation change	1.3, 2.0, 2.1, 2.2, 3.2, 3.3, 3.4, 4.0, 4.1, 5.2, 5.5, 6.1, 6.2, 6.3, Figure 1, Appendices
6	April 2016	Plan review	8.2, 8.3, 8.4, Appendix I
7	September 2018	Revisions to make this manual specific to tenants (not Maintenance Baseyards)	All
8	August 2019	Revisions	All

### 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  
 Department of Transportation

**AUG 29 2019**  
 \_\_\_\_\_  
 Date

## Table of Contents

<b>1.0</b>	<b>BACKGROUND AND PURPOSE .....</b>	<b>1</b>
1.1	STORMWATER REGULATION .....	1
1.2	DEPARTMENT OVERVIEW .....	2
1.3	ENVIRONMENTAL SECTION .....	2
1.4	INTERGOVERNMENTAL COORDINATION.....	2
<b>2.0</b>	<b>PROGRAM SCOPE .....</b>	<b>4</b>
2.1	REGULATED FACILITIES .....	4
2.2	NON-REGULATED FACILITIES.....	4
2.3	TENANT RESPONSIBILITY .....	4
<b>3.0</b>	<b>RISK RANKING.....</b>	<b>6</b>
3.1	PURPOSE .....	6
3.2	RISK RANKING CRITERIA .....	6
3.2.1	<i>Aircraft Maintenance and Repair.....</i>	<i>7</i>
3.2.2	<i>Aircraft Fueling .....</i>	<i>7</i>
3.2.3	<i>Aircraft Washing.....</i>	<i>8</i>
3.2.4	<i>Vehicle and/or Equipment Maintenance and Repair.....</i>	<i>9</i>
3.2.5	<i>Vehicle and/or Equipment Fueling .....</i>	<i>9</i>
3.2.6	<i>Vehicle and/or Equipment Washing .....</i>	<i>10</i>
3.2.7	<i>Liquid Container Storage .....</i>	<i>10</i>
3.2.8	<i>Material Storage .....</i>	<i>11</i>
3.2.9	<i>Material Handling .....</i>	<i>12</i>
3.2.10	<i>Waste Management.....</i>	<i>13</i>
3.2.11	<i>Spill History.....</i>	<i>14</i>
3.2.12	<i>Stormwater Enforcement History .....</i>	<i>14</i>
3.2.13	<i>NPDES Permit Coverage .....</i>	<i>15</i>
3.3	INSPECTION FREQUENCY .....	15
3.4	IMPLEMENTATION .....	15
<b>4.0</b>	<b>INSPECTION DESCRIPTION .....</b>	<b>16</b>
4.1	STORMWATER BEST MANAGEMENT PRACTICES.....	16
4.2	ENVIRONMENTAL ASSET INVENTORY .....	17
4.3	ILLICIT DISCHARGE RESPONSE.....	18
4.4	NEW TENANT EVALUATION .....	18
4.5	TERMINATION OF LEASE .....	18
<b>5.0</b>	<b>INSPECTION PROCEDURES .....</b>	<b>19</b>
5.1	PRE-INSPECTION PREPARATION .....	19
5.2	ENTRY.....	19
5.3	TENANT CONFERENCE.....	20
5.4	INSPECTION.....	21
5.5	DOCUMENTATION AND RECORDKEEPING .....	21
<b>6.0</b>	<b>ENFORCEMENT .....</b>	<b>23</b>
6.1	SCOPE OF AUTHORITY .....	23
6.2	ENFORCEMENT OF DOH REGULATIONS .....	23
6.3	DESCRIPTION OF ENFORCEMENT STEPS .....	23
6.4	ENFORCEMENT DOCUMENTATION .....	27

6.4.1	<i>Written Warning</i> .....	27
6.4.2	<i>Investigation Report</i> .....	28
6.4.3	<i>Notice of Apparent Violation</i> .....	28
6.4.4	<i>Letter of Revocation and Notice to Vacate</i> .....	28
6.4.5	<i>Enforcement by DOH</i> .....	29
<b>7.0</b>	<b>TRAINING</b> .....	<b>31</b>
7.1	DOTA INSPECTOR TRAINING .....	31
7.2	ANNUAL TENANT AND EMPLOYEE TRAINING .....	31
<b>8.0</b>	<b>REFERENCES</b> .....	<b>32</b>

## Appendices

Appendix I	Best Management Practices for Tenant Operations at State of Hawaii Airports
Appendix II	Memorandum of Understanding Between DOH and DOTA
Appendix III	Airport Rules and Regulations and Property Management Environmental Clauses
Appendix IV	Stormwater BMP Inspection Report
Appendix V	Closure Report for DOTA Tenant
Appendix VI	Investigation Report and Letter
Appendix VII	Sample Warning Letter for Common Use Area Noncompliance
Appendix VIII	Sample Letter for Notice of Apparent Violation
Appendix IX	Sample Letter for Revocation and Notice to Vacate
Appendix X	Sample Notice of Finding and Violation Order

## List of Acronyms

AIR-EE	Airport Environmental Section
AIR-PM	Airport Property Management Section
AST	Aboveground Storage Tank
BMP	Best Management Practice
CFR	Code of Federal Regulations
CNEE	Conditional “No Exposure” Exclusion
CWA	Clean Water Act
CWB	State of Hawaii, Department of Health, Clean Water Branch
DMR	Discharge monitoring report
DOH	State of Hawaii, Department of Health
DOTA	State of Hawaii, Department of Transportation, Airports Division
EHS	Environmental Health Specialist
EPA	Environmental Protection Agency
HAR	Hawaii Administrative Rules
HDH	Kawaihapai Airfield
HDOT	State of Hawaii, Department of Transportation
HDS	Hydrodynamic Separators
HNL	Daniel K. Inouye International Airport
HNH	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
LIH	Lihue Airport
LNH	Lanai Airport
LQG	Large Quantity Generator
LUP	Kalaupapa Airport
MKK	Molokai Airport
MOU	Memorandum of Understanding
MS4	Municipal Separate Storm Sewer System
MST	Mobile Storage Tank
MUE	Waimea-Kohala Airport
NAV	Notice of Apparent Violation
NFVO	Notice of Finding and Violation Order
NGPC	Notice of General Permit Coverage
NPDES	National Pollutant Discharge Elimination System
OGG	Kahului Airport
OWS	Oil/Water Separator
PAK	Port Allen Airport
PBMP	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**

---

The State of Hawaii, Department of Transportation, Airports Division (DOTA), has been actively involved in the development and implementation of programs to control stormwater pollution since the inception of Federal stormwater regulations by the United States Environmental Protection Agency (EPA). This document details the procedures implemented by the Airport Environmental Section (AIR-EE) at Hawaii airports to ensure that all tenant operations comply with regulatory requirements and the stormwater best management practices (BMPs) that have been adopted in the Stormwater Pollution Control Plans (SWPCPs) or Stormwater Management Program Plans (SWMPPs) developed for airport facilities.

DOTA provides this manual to their environmental personnel, consultants, and contractors tasked with the responsibility of stormwater pollution prevention in the context of procedures for a tenant stormwater inspection and enforcement program. DOTA implements a risk ranking of all airport tenants that instills an improved allocation of environmental oversight to areas of airport operations where stormwater impacts are highest; it also provides an objective assessment of tenant activities.

The enforcement procedures contained within this manual are designed with environmental compliance as the primary goal; they represent a partnership between DOTA and the State of Hawaii, Department of Health (DOH), as both agencies strive to conduct business in the best interest of the State of Hawaii.

### **1.1 Stormwater Regulation**

In 1972, congressional amendments to the Federal Water Pollution Control Act (also known as the Clean Water Act [CWA]) established the National Pollutant Discharge Elimination System (NPDES). The NPDES program prohibits discharges of pollutants to navigable waters from point sources, such as industrial facilities, construction sites, wastewater treatment plants, etc., unless those discharges were authorized by permits issued under the program.

In 1987, the Water Quality Act amended the CWA, thereby requiring the EPA to establish phased NPDES requirements for stormwater discharges. The EPA promulgated regulations in 1990 to establish permit programs for stormwater discharges from 10 industrial categories. Specifically, it affected municipal separate storm sewer systems (MS4s) serving populations of 100,000 or more (i.e., “medium” and “large” MS4s), and construction activities disturbing five acres or more of land. These regulations are referred to as the Phase I Program.

In 1999, EPA published the Stormwater Phase II Final Rule, which expands the Phase I program by extending NPDES coverage to certain “small” MS4s in urbanized areas and construction areas that disturb between one and five acres of land.

The Federal Water Program regulations are located in the Code of Federal Regulations (CFR) Title 40, Chapter I, Subchapter D, Parts 100–135. The Federal stormwater discharge regulations are located in 40 CFR § 122, EPA Administered Permit Programs: NPDES. The EPA delegated authority to the State of Hawaii, Department of Health, Clean Water Branch (CWB), to administer the NPDES program. While the EPA continues to maintain overall enforcement

authority, the DOH issues NPDES permits to municipalities, industrial activities, and construction projects.

State water quality regulations are codified in the Hawaii Administrative Rules (HAR) § 11-54, Water Quality Standards for the State; and HAR § 11-55, Water Pollution Control (last amendment and compilation February 9, 2019). Hawaii Revised Statutes (HRS) § 342D provides the State with the procedures, rules, and regulations for the enforcement of the State's Clean Water Program. Included in HRS § 342D are procedures for inspection (HRS § 342D-8), enforcement procedures/documentation (HRS § 342D-9), provisions for enforcement by State and County health authorities (HRS § 342D-17), and penalties (HRS §§ 342D-30–39). DOTA shall adopt policies to enforce these rules and regulations as they apply to water pollution and water pollution prevention.

## **1.2 Department Overview**

DOTA provides administrative oversight, engineering services, property management, computer support, and fiscal control to the four District operations: Oahu, Maui, Hawaii, and Kauai. DOTA's environmental organizational chart is located in Section 3.0 of the SWMPP Introduction.

## **1.3 Environmental Section**

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

AIR-EE consists of a supervisor and several staff Environmental Health Specialists (EHSs) or Environmental Engineers. Although these positions exist on paper in the DOTA office, the physical locations for the positions may be distributed throughout the 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 ensure environmental compliance within their District. The AIR-EE Supervisor continuously evaluates workloads and new tasks are assigned based on location, technical expertise, and current workload. This management structure allows for immediate access to AIR-EE by the Districts, while maximizing utilization and, therefore, spreading the workload more evenly.

## **1.4 Intergovernmental Coordination**

Continued coordination between AIR-EE, DOH, and EPA concerning NPDES related issues is an integral part of the stormwater pollution prevention program at the Hawaii airports. The AIR-EE Supervisor and DOTA Engineering Program Manager will coordinate regulatory compliance program issues. These issues may include permitting, sampling, reporting requirements, policy and procedures, and staffing. Some issues may also require the assistance of the State of Hawaii Attorney General's office and should be coordinated through the State of Hawaii, Department of Transportation (HDOT) Office of Special Compliance. The AIR-EE Supervisor and/or the Engineering Program Manager shall be included in these discussions.

AIR-EE staff may need to interact with members of the CWB or other regulating agencies to address stormwater issues and concerns as they arise. This will help maintain consistent compliance and enforcement and prevent duplication of efforts between the State offices.

DOTA has a Stormwater BMP Inspection Report that is utilized for all routine, follow-up, complaint, or other stormwater BMP tenant inspections. For tenants at Daniel K. Inouye International Airport (HNL) with separate industrial NPDES permits, the completed inspection reports are routed through the AIR-EE Supervisor and the Engineering Program Manager, and an electronic copy will be sent to CWB after each inspection. All correspondence between DOTA, DOH, and EPA will be tracked through a document control system developed by DOTA. Also, the AIR-EE DOTA office will keep a complete electronic set of all correspondence and submittals.

## **2.0 PROGRAM SCOPE**

---

DOTA NPDES Inspection and Enforcement Program is primarily directed toward the HNL and Kahului Airport (OGG) operating under NPDES Small MS4 permits; however, some aspects of the program have been extended to the other State airports. The following sections present brief descriptions of regulated and non-regulated facilities under the NPDES program.

### **2.1 Regulated Facilities**

Four DOTA airports currently operate under NPDES permits: HNL on Oahu, OGG on Maui, Lihue Airport (LIH) on Kauai, and Molokai Airport (MKK) on Molokai. HNL is covered under an Individual NPDES Small MS4 Permit and OGG is covered under a General NPDES Small MS4 Permit. OGG, LIH, and MKK are covered under a General NPDES Permit for discharges related to industrial activities. Additionally, Kapalua Airport (JHM) on Maui has a Conditional “No Exposure” Certificate (CNEE) because industrial activities are all conducted under cover. Although inspections and enforcements are not regulated for airport tenants under the General NPDES Permit, DOTA may conduct inspections as part of a statewide BMP program. The procedures detailed in this manual, including risk ranking, inspections, enforcement, reporting, and training, are requirements of the Small MS4 NPDES program. Failure to follow these procedures may result in penalties.

### **2.2 Non-regulated Facilities**

DOTA operates ten (10) airports that are not regulated under NPDES requirements. Although inspection and enforcement under NPDES is not required at non-regulated facilities, DOTA can conduct inspections as part of a statewide BMP program.

Of the ten airports that are not regulated under NPDES requirements, Kalaeloa Airport (JRF) and Kawaihapai Airfield (HDH) on the island of Oahu, MKK on the island of Molokai, as well as Hilo International Airport (ITO) and Ellison Onizuka Kona International Airport at Keahole (KOA) on the island of Hawaii, are regulated under Underground Injection Control (UIC) permit requirements through State of Hawaii, Department of Health, Safe Drinking Water Branch. UIC permits issued to these airports require DOTA facilities to limit the discharges to the injection well of “untreated rainfall runoff water from building, roof, roadway and pavement areas” and prohibits discharges into the injection well of “prohibited chemical compounds, hazardous wastes, or unauthorized substances.”

The remaining six non-regulated facilities include Hana Airport (HNM) on the island of Maui, Kalaupapa Airport (LUP) on the island of Molokai, Lanai Airport (LNY) on the island of Lanai, Port Allen Airport (PAK) on the island of Kauai, Upolu Airport (UPP) on the island of Hawaii, and Waimea-Kohala Airport (MUE) on the island of Hawaii. Although these six facilities have neither UIC permits nor NPDES permits, DOTA can elect to conduct inspections and enforcement at these airports as part of a statewide BMP program.

### **2.3 Tenant Responsibility**

All DOTA tenant lease agreements and Revocable Permits include language stating that the tenant is responsible to comply with all environmental laws and regulations. Details of the lease agreements and Revocable Permits are included in Section 6.1 and Appendix III. Tenants at both NPDES and non-NPDES permitted airports are aware of DOTA’s stormwater BMP program,

and tenant spaces are inspected by an EHS, or consultant, for compliance. Failure to comply with DOTA BMPs results in enforcement actions against tenants as detailed in Section 6.0.

## **3.0 RISK RANKING**

---

### **3.1 Purpose**

DOTA has ranked each tenant that performs industrial and commercial activities at the two NPDES Small MS4 permitted airports (HNL and OGG) based on the tenant's potential to either contribute pollutants to stormwater runoff, and/or to have a non-stormwater discharge into the airport storm sewer system, and/or into waters of the United States. The results of the tenant risk rankings will be reevaluated for accuracy during routine inspections. The risk designation of high, medium, low, or exempt as determined by a cumulative scoring system of the 13 criteria, along with the tenants' NPDES permit coverage status determines the frequency (e.g., quarterly, annually, semi-annually, biennially) that each tenant is inspected.

Notably, some airport tenants may have more than one facility, and each facility may be on a separate inspection schedule. For example, Hawaiian Airlines may operate at the passenger terminal, at the air cargo terminal, and at a separate maintenance hangar. In this case, each facility would be ranked separately and inspected as three separate tenants because the facilities are at separate physical locations; have different operations and property management identification numbers (PMIDs); and may have separate drainage basins.

Although not required, the ranking system is applied to all State-owned airports because DOTA utilizes tenant stormwater inspections to accomplish multiple environmental objectives. Tenants may obtain a copy of their current risk ranking from a DOTA EHS.

### **3.2 Risk Ranking Criteria**

Tenants are ranked as high, medium, or low threat as determined by a cumulative score of the 13 criteria listed in this section (Sections 3.2.1–3.2.13). The inspector will select the appropriate score ranging from zero to five in each category for the 13 criteria after conducting the inspection of the tenant's leased space (Sections 3.2.1–3.2.13). Only the spaces leased by tenants are considered when updating the risk rank criteria; therefore, this excludes tenant activities conducted on the ramp and common use areas. Certain individual criteria include a trigger for automatic assignment of a high risk ranking regardless of the cumulative score (Section 3.2.13).

Risk rankings for cumulative scores are as follows:

- Low = Score of 5 or less;
- Medium = Score from 6 through 16; and
- High = Score more than 16, or a score of 5 in any individual 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 tenant activities or lease changes occur. Tenants classified as exempt have no potential to come in contact with stormwater. The exemption categories include:

- Any tenant operating an office space;
- Any tenant operating on the second floor or higher with no outdoor activities; and
- Any commercial tenant whose operations have no impacts to stormwater (i.e., 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.

### **3.2.1 Aircraft Maintenance and Repair**

Tenant facilities are ranked based on their aircraft maintenance and repair activities. Aircraft maintenance and repair activities include parts replacement, parts washing, removing and/or replacement of fluids and greases, and dismantling parts. Maintenance and repair activities are evaluated based on the potential to discharge to the MS4, state waters, or UIC from stormwater runoff/run-on. Aircraft maintenance and repair should be conducted inside or under cover, if feasible. Maintenance of aircraft may be conducted outdoors during dry weather with BMP measures implemented to prevent spills and/or leaks from coming in contact with stormwater.

Each facility is evaluated using the risk criteria detailed below.

0 = No maintenance activities are conducted.

1 = Maintenance activities are conducted entirely indoors; there is no potential to discharge to MS4, state waters, or UIC.

2 = Maintenance activities are conducted outside, but under cover with BMP measures implemented; there is no potential, or minimal potential to discharge to MS4, state waters, or UIC.

3 = Maintenance activities are conducted outside in dry weather with BMP measures implemented; there is minimal, or moderate potential to discharge to MS4, state waters, or UIC.

4 = Emergency Maintenance activities are conducted on aircraft outside, *without* BMP measures implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

5 = Maintenance activities are conducted outdoors, and *without* BMP measures implemented; there is significant potential to discharge to MS4, state waters, or UIC. (*Automatic trigger to high risk designation.*)

### **3.2.2 Aircraft Fueling**

Tenant facilities are ranked based on the type and method of aircraft fueling conducted. Aircraft fueling includes fueling passenger aircraft or corporate jets using a fuel hydrant system or mobile fuel tank truck, or fueling of smaller aircrafts, such as helicopters or personal planes, using a fuel hydrant system, mobile fuel tank truck, a stationary aboveground storage tank (AST), or small gas cans. Fueling of aircraft inside of a building is a fire code violation and is prohibited.

Each facility is evaluated using the risk criteria detailed below.

0 = No fuel transfer activities are conducted.

1 = Fueling of small aircraft (e.g., helicopters, small planes) is conducted outside with BMP measures implemented; there is minimal potential to discharge to MS4, state waters, or UIC.

2 = Fueling of large aircraft is conducted outside with BMP measures implemented; there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Fueling of small or large aircraft is conducted outside with BMP measures implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

4 = Fueling of small or large aircraft is conducted outside *without* BMP measures implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

5 = Unattended fueling of small or large aircraft is conducted outside *without* BMP measures implemented; there is significant potential to discharge to MS4, state waters, or UIC. (*Automatic trigger to high risk designation.*)

### 3.2.3 Aircraft Washing

Tenant facilities are ranked based on aircraft washing activities. Aircraft washing includes large aircraft and small aircraft (e.g., helicopters, small planes). Aircraft washing can only occur at the wash racks located within common use areas of the Airport or at tenant spaces that have a collection system which connect to an Airport wash rack or an oil/water separator (OWS) that discharge to the sanitary sewer. Aircraft washing activities are evaluated based on the potential discharge to MS4, state waters, or UIC.

Each facility is evaluated using the risk criteria detailed below.

0 = No aircraft washing is conducted at the facility.

1 = Aircraft washing is conducted in a contained and covered wash area; there is no potential to discharge to MS4, state waters, or UIC.

2 = Aircraft washing is conducted in a contained, but uncovered wash area; there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Aircraft washing is conducted in a contained, but uncovered wash area; there is moderate potential to discharge to MS4, state waters, or UIC.

4 = Aircraft washing is conducted in an uncontained area; there is moderate potential to discharge to MS4, state waters, or UIC.

5 = Aircraft washing is conducted in an area that directly discharges to MS4, state waters, or UIC. This is an illicit discharge and needs to be reported to the AIR-EE and appropriate authorities. (*Automatic trigger to high risk designation.*)



### **3.2.4 Vehicle and/or Equipment Maintenance and Repair**

Tenant facilities are ranked based on vehicle and/or equipment maintenance and repair activities. Vehicle and/or equipment maintenance and repairs include activities such as parts replacement, parts washing, removal and/or replacement of fluids or greases, and dismantling. Sandblasting, sanding, or painting activities are only allowed if the tenant is a licensed autobody shop or has a permitted paint booth at their facility. Maintenance and repair activities are evaluated based on the discharge potential to MS4, state waters, or UIC.

Each facility is evaluated using the risk criteria detailed below.

0 = No maintenance activities are conducted.

1 = Maintenance activities are conducted entirely indoors; there is no potential to discharge to MS4, state waters, or UIC.

2 = Maintenance activities are conducted outdoors, but under cover with BMP measures implemented; there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Maintenance activities are conducted outdoors, but under cover without BMP measures implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

4 = Maintenance activities are conducted outdoors, in uncovered areas with BMP measures implemented, or in an area with moderate potential to discharge to MS4, state waters, or UIC.

5 = Maintenance activities are conducted outdoors, in uncovered areas *without* BMP measures implemented, or in an area with significant potential to discharge to MS4, state waters, or UIC. (*Automatic trigger to high risk designation.*)

### **3.2.5 Vehicle and/or Equipment Fueling**

Tenant facilities are ranked based on the scale of fueling activities and the prevention measures available. Fueling of vehicles and/or equipment may be conducted from fuel pumps as well as mobile storage tanks (MSTs) and/or fuel cans. For the purpose of this risk rank determination, small scale fueling is defined as fueling of vehicles and equipment equal to or less than 25 gallons. Large scale fueling is fueling of vehicles and equipment greater than 25 gallons.

Each facility is evaluated using the risk criteria detailed below.

0 = No fuel transfer activities are conducted.

1 = Vehicle and/or equipment fueling is conducted on a small scale outside or underneath a canopy in areas with containment structures; there is minimal potential to discharge to MS4, state waters, or UIC.

2 = Vehicle and/or equipment fueling is conducted on a large scale outside or underneath a canopy in areas with containment measures (i.e. double-walled tanks, bermed area, etc.); there is minimal to moderate potential to discharge to MS4, state waters, or UIC.

3 = Vehicle and/or equipment fueling is conducted on a small scale outside in areas *without* containment structures; there is moderate potential to discharge to MS4, state waters, or UIC.

4 = Vehicle and/or equipment fueling is conducted on a large scale, outside in areas *without* containment structures; there is moderate potential to discharge to MS4, state waters, or UIC.

5 = Vehicle and/or equipment fueling is conducted on a small or large scale in areas *without* containment measures; there is significant potential to discharge to MS4, state waters, or UIC. (*Automatic trigger to high risk designation.*)

### **3.2.6 Vehicle and/or Equipment Washing**

Tenant facilities are ranked based on the methods used for vehicle and/or equipment washing. This category includes washing ground service equipment, maintenance equipment, and vehicles for individual facility use or for commercial purposes. All vehicle and equipment washing activities can only occur within areas where wash water is contained and either drains to an OWS or is properly collected and disposed of to prevent contact with stormwater.

Each facility is evaluated using the risk criteria detailed below.

0 = No vehicle or equipment washing is conducted.

1 = Vehicle and/or equipment washing is conducted in an area that is contained and covered; and there is no potential to discharge to MS4, state waters, or UIC.

2 = Vehicle and equipment washing is conducted in a contained, but uncovered wash area (e.g., portable washer that contains all wash water in receptacle for proper removal, but is conducted outside); there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Vehicle and equipment washing is conducted in an uncontained, pervious surface (e.g., grassy or vegetated surface), but uncovered wash area; there is minimal potential to discharge to MS4, state waters, or UIC.

4 = Vehicle and equipment washing is conducted outside and in an uncontained area; there is moderate potential to discharge to MS4, state waters, or UIC (i.e. downgradient from the MS4 or UIC).

5 = Vehicle and equipment washing is conducted in an uncontained area that directly discharges into the MS4, state waters, or UIC; this is an illicit discharge and needs to be reported to the AIR-EE and appropriate authorities. (*Automatic trigger to high risk designation.*)

### **3.2.7 Liquid Container Storage**

Tenants are ranked based on liquid material storage methods employed at their facility. This category includes materials such as petroleum products (e.g., new and used oil, diesel, etc.), chemical products, and other miscellaneous liquid materials. These materials may be stored in 25-

gallon containers and greater, such as drums, totes, ASTs, and MSTs or containers smaller than 25-gallons. This section does not include hazardous material, hazardous wastes, and universal waste storage, for more information please refer to Section 3.2.10.

Inspectors will check to ensure the following:

- Containers are properly stored (the term “properly stored” indicates that containers are correctly labeled with the product name or as “empty,” are in good condition, and sealed when not in use);
- Large containers ( $\geq$  25-gallons) are stored indoors or under cover and within secondary containment measures;
- Small containers ( $<$  25-gallons) are stored indoors or under cover. If small containers are being stored outdoors and are not actively being used, they are within secondary containment measures; and
- If aboveground oil storage is equal or greater than 1,320-gallons, the facility has implemented a Spill Prevention, Control, and Countermeasure Plan (SPCC) in accordance with 40 CFR § 112. Check to ensure that container storage on-site matches their SPCC Plan.

Each facility is evaluated using the risk criteria detailed below.

0 = No materials are stored at the facility.

1 = Small containers are properly stored indoors or under cover, if stored outside, they are within secondary containment measures; there is no potential to discharge to the MS4, state waters, or UIC.

2 = Large containers are properly stored indoors or under cover and within secondary containment measures; there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Both small and large containers meet the risk rank criteria of 1 and 2, except they are not properly stored; there is minimal to moderate potential to discharge to MS4, state waters, or UIC. Or container oil storage is equal to or greater than 1,320 gallons and the facility has implemented an SPCC Plan.

4 = Large containers are properly stored under cover however, they are *without* secondary containment measures or small containers are properly stored however, they are stored outside without secondary containment measures; there is moderate potential to discharge to the MS4, state waters or UIC.

5 = Containers are improperly stored outdoors, *without* secondary containment measures, and/or stored in a manner posing significant potential to discharge to MS4, state waters, or UIC. Or facility has no SPCC Plan for oil storage more than 1,320 gallons. (***Automatic trigger to high risk designation.***)

### 3.2.8 Material Storage

Tenant facilities are ranked based on the dry material storage methods employed at their facility. This category includes dry materials such as new and used tires, wood, metals, etc. These materials

may be stored indoors or outdoors however, if storing outdoors they should be covered and stored on dunnage. This section does not include hazardous material, hazardous wastes, and universal waste storage, for more information please refer to Section 3.2.10.

Each facility is evaluated using the risk criteria detailed below.

0 = No materials are stored.

1 = All materials are stored entirely indoors; there is no potential to discharge to MS4, state waters, or UIC.

2 = Materials are stored outdoors with BMPs implemented (i.e., materials are stored under cover and on dunnage); there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Materials are stored outdoors, away from the MS4 or UIC wells, and are either under cover or on dunnage but not both; there is moderate potential to discharge to MS4, state waters, or UIC.

4 = Materials are stored outdoors within a grassy, vegetated, or other pervious surface and without BMPs implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

5 = Materials are stored outdoors *without* implementing BMPs (i.e. materials are not stored under cover and on dunnage); there is significant potential to discharge to MS4, state waters, or UIC. (***Automatic trigger to high risk designation.***)

### **3.2.9 Material Handling**

Tenant facilities are ranked based on the methods used to handle dry and liquid materials during daily activities, including, but not limited to the following: loading and unloading of materials (packaged products, drums, cans, bags, dry bulk products, and containerized liquids), painting operations, etc. This criterion can also address pumping operations affiliated with cleaning tanks, sumps, or piping.

Each facility is evaluated using the risk criteria detailed below.

0 = No materials are handled.

1 = All materials are handled entirely indoors; there is no potential to discharge to MS4, state waters, or UIC.

2 = Materials are handled outdoors, but under cover with BMPs implemented; there is minimal potential to discharge to MS4, state waters, or UIC.

3 = Materials are handled outdoors, but under cover *without* BMPs implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

4 = Materials are handled outdoors within a grassy, vegetated, or other pervious surface and *without* BMPs implemented; there is moderate potential to discharge to MS4, state waters, or UIC.

5 = Materials are handled outdoors without implementing BMPs there is significant potential to discharge to MS4, state waters, or UIC. (*Automatic trigger to high risk designation.*)

### 3.2.10 Waste Management

Tenant facilities are ranked based on waste handling and disposal including solid, universal, and hazardous waste. The regulations governing hazardous waste identification, classification, generation, management, and disposal are found in 40 CFR § 260–273. The regulations governing solid waste regulations are found in 40 CFR § 239–259. Other RCRA regulations for managing used oil and standards of USTs can be found in 40 CFR § 279–282.

Each facility is evaluated using the risk criteria detailed below.

0 = No waste is stored.

1 = All waste is non-hazardous and does not include liquid waste (solvents, etc.), and is properly stored indoors or under cover; there is no potential to discharge to MS4, state waters, or UIC.

2 = Hazardous waste is generated, and the tenant is classified as a Very Small Quantity Generator (VSQG). Hazardous waste is properly stored and disposed. Storage areas have no potential to discharge to MS4, state waters, or UIC.

- 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.

3 = Hazardous waste is improperly stored (i.e. outside without cover, without secondary containment measures, etc.), but properly disposed of. There is moderate potential to discharge to MS4, state waters, or UIC.

4 = Hazardous wastes are generated, and the tenant is classified as a Small Quantity Generator (SQG) or Large Quantity Generator (LQG). Hazardous waste is properly stored and disposed. Storage areas have no potential to discharge to MS4, state waters, or UIC.

- 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.

5 = Hazardous waste is improperly stored and/or disposed (i.e. outside without cover, without secondary containment measures, etc.). There is a significant potential to discharge to MS4, state waters, or UIC. (*Automatic trigger to high risk designation.*)

### **3.2.11 Spill History**

Tenant facilities are ranked based on past reports of oil and/or chemical spills at the tenant facilities and/or inspection.

Each facility is evaluated using the risk criteria detailed below.

0 = No history of spills in the past three years.

1 = One to three spills with volumes greater than five gallons, but less than 25 gallons, or less than reportable quantity for other chemicals in the past three years.

2 = One to three spills greater than the Reportable Quantity (see 40 CFR § 302.4) in the past three years.

3 = More than three spills greater than the Reportable Quantity (see 40 CFR § 302.4) in the past three years.

4 = More than five spills of any quantity during a calendar year.

5 = One or more spills that entered the MS4, state waters, or UIC during a calendar year. (*Automatic trigger to high risk designation.*)

### **3.2.12 Stormwater Enforcement History**

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

Each facility is evaluated using the risk criteria detailed below.

0 = No enforcement history in the past three years.

1 = Written Warning received in the past three years.

2 = Repeat deficiency identified during two consecutive tenant inspections.

3 = Investigation Report received in the past three years.

4 = Notice of Apparent Violation (NAV) received in the past three years.

5 = The tenant has been issued an Illicit Discharge Site Investigation Report or tenant has been issued an enforcement action by DOH or EPA for non-compliance in the past three years. (*Automatic trigger to high risk designation.*)

### 3.2.13 NPDES Permit Coverage

Tenants are ranked based on the requirement to have a NPDES permit coverage under HAR § 11-55 Appendix B. **Any tenant that has or requires an industrial NPDES permit coverage 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.

Each facility is evaluated using the risk criteria detailed below.

0 = Tenant does not require an industrial NPDES permit coverage.

5 = Tenant has or requires an industrial NPDES permit coverage. (*Automatic trigger to high risk designation.*)

### 3.3 Inspection Frequency

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

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

- High-ranked tenants that need NPDES permit coverage but do **not have NPDES permit coverage** are inspected at least quarterly until they obtain or apply for a permit from DOH.
- High-ranked tenants that do *not* need NPDES permit coverage are inspected at least semi-annually.
- High-ranked tenants that have NPDES permit coverage are inspected at least annually.
- Medium-ranked tenants are inspected at least annually.
- Low-ranked tenants are inspected at least biennially (i.e., every two years).

For HNL, DOTA submits notification and a copy of each inspection report of high-ranked tenant that have NPDES permit coverage to DOH within 30 calendar days of the inspection. DOTA also reports tenants at HNL to DOH that have not applied for NPDES Permit coverage or a CNEE certification, that are required to be covered, based on HNL Small MS4 permit requirements. If these requirements change, DOTA will utilize the most recent requirements for reporting to DOH.

### 3.4 Implementation

DOTA will risk rank all new tenants during their first inspection. Subsequent confirmation or reclassification of a risk ranking is conducted as part of the routine inspection process. During inspections, inspectors reevaluate each facility based on the ranking criteria, determine if the current risk ranking classification is adequate, and make changes if warranted.

For new tenants, the inspector for each District may obtain information from electronic property management databases, which are maintained and updated by the DOTA Property Management Section (AIR-PM). The databases include information such as company name, airport, contact information, PMID, and property use. This information is used to record inspection results, risk ranking, and enforcement action. Data is entered into the environmental database or asset management system by an EHS or consultant.

## 4.0 INSPECTION DESCRIPTION

---

The risk ranking process determines the number and frequency of facility inspections required each calendar year at all DOTA leased properties. The purpose of routine inspections is to:

1. Evaluate how facility operations comply with the facility's SWPCP, a site-specific BMP plan, or *Best Management Practices for Tenant Operations at State of Hawaii Airports* located in Appendix I. Inspection criteria affiliated with each of the six BMPs are detailed in Section 4.1.
2. Develop and maintain an accurate inventory of environmental assets owned and operated by each facility. These assets are described in Section 4.2.
3. Comply 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 environmental permitting requirements.
4. Provide tenants with educational materials as a preventative measure for spills and illicit discharges.

Inspections are conducted under the following circumstances:

1. Routinely as required per the risk ranking;
2. Investigate reported unauthorized discharges of pollutants to receiving waters, the MS4 stormwater drainage system, or UIC wells;
3. Evaluate new tenant operations; and
4. Joint inspections may also be conducted with the DOH and/or EPA representatives.

Inspection criteria for non-routine inspections are discussed in Sections 4.3, 4.4, and 4.5.

### 4.1 Stormwater Best Management Practices

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.”

Treatment control BMPs, also known as Permanent Best Management Practices (PBMPs), are physical devices or systems that remove pollutants from stormwater. Various types of PBMPs, such as OWSs (that discharge to a MS4 System), evaporation ponds, detention ponds, bioswales, permeable pavement, dry wells, hydrodynamic separators (HDS), drain inlet inserts, etc., are utilized on DOTA property. To be effective, all PBMPs warrant regular inspection and maintenance. While DOTA has service contracts for 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. Tenants can refer to the *Permanent BMP Operations & Maintenance Manual* (HNL SWMPP Section D, Attachment D.4) to learn more about inspection and maintenance of PBMPs. Additionally, the *Permanent BMP Operations & Maintenance Manual* has inspection form templates that tenants can use to record PBMP inspections. Tenants can also refer to the *Storm Water Permanent BMP Manual* (HNL SWMPP Section D, Attachment



D.1) for more information. However, it should be noted that PBMPs at tenant spaces outside of HNL follow the guidelines in the HNL SWMPP Section D.

Operational BMPs are intended to prevent pollutants from entering surface waters 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 stormwater quality.

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

- Airport requirements (i.e., DOTA discharge permit, if applicable; BMP Plan, if applicable; airport tenant training records);
- Regulatory NPDES permit documentation (i.e., Notice of General Permit Coverage [NGPC] or CNEE, if applicable);
  - NPDES regulatory documentation (i.e., SWPCP, discharge monitoring report [DMR], SWPCP training records, SWPCP inspection records, spill history for the past three years);
- SPCC rule documentation (i.e., SPCC Plan, AST inspections, UST inspections)
- UST permit and inspections (DOH requires monthly UST inspections);
- UIC permit and inspections (DOH requires monthly UIC inspections);
- Resource Conservation and Recovery Act (RCRA) rule documentation (i.e., hazardous waste generator status and waste disposal records/manifests);
- City and County of Honolulu Industrial Wastewater Discharge Permit (IWDP);
- PBMP annual inspections and maintenance; and
- Other pertinent environmental permits (such as C&C paint booth permit)

Stormwater BMPs are described in detail in the *Best Management Practices for Tenant Operations at State of Hawaii Airports* in Appendix I. Inspectors are required to understand the applicable operational BMPs that apply to each tenant. Operational BMPs include general good housekeeping, aircraft, vehicle and equipment maintenance, aircraft, vehicle, and equipment body repair, aircraft, vehicle, and equipment washing, aircraft, vehicle, and equipment fueling, fertilizer and pesticide storage and application, container and material storage, material handling and use, solid waste storage and disposal, spill prevention and response, outdoor loading and unloading practices, and triturator operation practices.

## **4.2 Environmental Asset Inventory**

DOTA inventory of environmental assets is verified and updated during routine inspections of tenants conducting industrial activities, as well as regular DOTA operations. A tenant database 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 vehicle wash areas.

Tracking environmental assets allows DOTA to complete a comprehensive evaluation of operations at each airport tenant facility and creates effective communication with tenants regarding changes in applicable regulations or policies. Database queries generate reports by asset, airport, or tenant. Information within the database is used during routine inspection, illicit

discharge investigations, enforcement action, and lease termination proceedings. Therefore, verifying and updating electronic records of environmental assets is an essential component of routine inspections.

### **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. If an illicit discharge is confirmed during the tenant inspection, DOTA will consider it a deficiency or violation and follow enforcement actions as described in Section 6.0.

Whenever a pollution complaint is received or potential illicit discharge is observed during regular operations, DOTA will investigate and document it with a Site Investigation Sheet (SIS) as discussed in the Illicit Discharge Detection and Elimination (IDDE) sections of the respective SWMPPs for HNL and OGG. If an illicit discharge has been identified, DOTA will follow enforcement actions as described in the respective SWMPPs for HNL and OGG. IDDE reports may also be completed for discharges to UIC wells at airports with UIC permits.

### **4.4 New Tenant Evaluation**

Determination of a new lease triggers an evaluation of the potential environmental impacts of the new tenant and, if necessary, an environmental inspection. The purpose of this inspection is to identify any environmental assets, to assign a risk ranking, and to convey the Stormwater BMPs to the new tenant. The database must be updated with any new information, to ensure that annual risk ranking includes all tenants. Tenants are expected to coordinate activities with AIR-PM and Airport Operations.

### **4.5 Termination of Lease**

Tenants with environmental assets such as fuel tanks, maintenance areas, hazardous materials and/or waste storage activities pose a potential risk to DOTA, as the landowner. Prior to terminating leases for these tenants, DOTA reviews inspection records and, if necessary, conducts final inspections to identify environmental issues requiring resolution prior to termination of lease.

Examples of potential environmental issues include site investigations for UST closure, disposal of waste solids from vehicle wash sumps, or removal of stockpiled hazardous materials. If appropriate, tenants may be required to conduct Phase I and/or Phase II Environmental Site Assessments to ascertain the presence and extent of environmental contamination that resulted from their operations.

## 5.0 INSPECTION PROCEDURES

---

Inspection procedures are designed to maintain compliance with the industrial NPDES permits issued to DOTA. These procedures are also implemented as BMPs at airports not covered by the NPDES program.

### 5.1 Pre-inspection Preparation

Inspections are scheduled approximately 30 days ahead of time. After an inspection date has been secured, 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. Prior to conducting routine stormwater inspections, inspectors shall review previous inspection reports that include background information of the tenant. The inspection report includes a list of all known environmental assets affiliated with the facility that should be cross-checked with the environmental database for any updates. The environmental database also includes all past inspection records that may be reviewed by inspectors. To identify leased areas, the inspector shall review electronic data from AIR-PM, airport layout maps, and electronic file copies of relevant plans (i.e., SWPCP, SPCC, etc.).

To identify drainage pathways for potential facility discharges, the inspector shall compare facility diagrams with drainage maps for the tenant's area of the airport. Changes that have occurred at the facility, to either operations or the facility structures, as well as changes in DOTA environmental policies since the previous inspection are identified during this process. The inspector identifies and reviews the BMPs applicable to the facility's operations. The inspector shall identify any special safety considerations.

Once the inspector reviews the background information, a plan is developed to highlight the key objectives of the inspection. While all inspections are intended to identify any environmental concerns, they also serve to acquire specific information from the tenant (e.g., copies of permits or plan revisions) or to convey specific information to the tenant in a direct manner.

#### *Key Inspection Criteria:*

- Objectives: define purpose of inspection and intended accomplishments.
- Tasks: identify specific tasks and information to collect and/or review.
- Procedures: identify any special procedures to use.
- Resources: establish personnel and equipment needs.
- Schedule: given the inspection frequency, assess how much time is required.
- Coordination: determine whether this inspection warrants coordination with other airport personnel or regulatory agencies.

### 5.2 Entry

Leases and Revocable Permits issued by AIR-PM provide DOTA inspectors the legal right to enter tenant facilities for the purpose of inspection. While notifying tenants of the intent to inspect their facilities 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 any environmental questions or concerns. Unannounced inspections give a more accurate sense of

day-to-day operations and are generally utilized when inappropriate corrective actions warrant a higher level of enforcement. Since DOTA inspections have the dual purpose of environmental outreach and NPDES permit compliance, scheduling the inspection 30 days in advance fosters a productive working relationship with DOTA tenants.

The inspectors begin inspection by introducing themselves and asking for the facility contact. When more than one inspector is present—either from DOTA, a consultant, or a combination of DOTA, DOH, and/or EPA representatives—a lead inspector will be identified, and the respective roles of each inspector will be distinguished to ensure efficient communication between the tenant and the inspection team.

In the rare instance that inspectors are denied access to a facility on DOTA property, the inspector shall notify their supervisor and obtain a copy of the relevant lease or Revocable Permit section that highlights the right of entry. Lease language typically reads:

The LESSOR, and LESSOR’S officers, employees, agents, and any other person or persons permitted on the Premises with the express permission or consent of the LESSOR, shall have the right, at all reasonable times, to enter upon the Premises, or any part or portion thereof: (1) for the purpose of inspecting the same; (2) for observing the performance or nonperformance of the TENANT in its obligations under this Lease; (3) to serve or post, or keep posted thereon, notices provided by any law or statute of the state, the LESSOR, and/or the Premises; and/or (4) for the doing of any act or thing which the LESSOR may be obligated or have the right to do under this Lease or otherwise.

Revocable Permit language is more limited, but carries the same meaning:

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

If the tenant exhibits hostile behavior, the inspector should request airport security to provide an escort during the inspection. At no time should an inspector feel compelled to conduct the inspection in an unsafe environment. Some tenant facilities pose safety concerns and have specific safety protection requirements. Where possible and when necessary, conduct the inspection of operational areas with a tenant representative.

### **5.3 Tenant Conference**

Depending on the size of the facility, a tenant conference may consist merely of the inspector describing the purpose and order of the inspection to the facility representative. This allows the facility representative to locate additional documents or key personnel necessary to meet the objectives. Pre-inspection preparation may identify key areas and issues. If so, convey these to the facility representative to ensure they are reviewed.

It is important that a facility representative accompany the inspector during the inspection to answer questions and describe operations, as well as address safety and liability considerations. Often a facility representative includes other employees with specialized roles during specific portions of the inspection.

Records, such as DMRs, waste disposal manifests, or SPCC documentation, may be reviewed before, during, or after the facility inspection. Most inspections result in one or more follow-up activities, so it may be helpful to take a few minutes at the end to review relevant records, recap any deficiencies or violations, or verify questions requiring follow up by either the inspector or the facility representative.

## **5.4 Inspection**

Conducting an effective inspection requires the inspector to observe operations that have the potential to impact stormwater runoff, pose questions to the tenant as necessary to gain a clear picture of whether the operations comply with the BMPs, and record observations for future use.

Use the pre-inspection preparation to identify which areas of concern require the most attention for each tenant. The inspector should indicate the inspection areas to the tenant representative to ensure that all areas are observed. As each area is observed, the inspector evaluates how operations conform to the relevant BMPs and notes any deficiencies on the inspection forms (described in Section 5.5).

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

EPA and DOH can also conduct inspections of tenants at any time with or without advance notification.

## **5.5 Documentation and Recordkeeping**

Accurate inspection documentation and recordkeeping are critical to the success of AIR-EE. Photographic documentation provides a simple method to demonstrate whether stormwater compliance has been achieved, and it is essential to determine if deficiencies have been addressed.

The Stormwater BMP Inspection Report is the primary recordkeeping tool utilized during the inspection. DOTA developed a new Stormwater BMP Inspection Report (see Appendix IV) to streamline the inspection process. The inspector will review each relevant area (i.e., Aircraft, Vehicle, and Equipment Maintenance and Repair; Aircraft, Vehicle, and Equipment Fueling; and Aircraft, Vehicle, and Container/Material Storage and Handling, etc.) and take the time to complete each section documenting comments and observations either during or after the inspection. Each line item will be checked whether item is “yes,” “no,” or “N/A” (i.e., not applicable). Any items checked “no” require, at a minimum, comments, explanation, and/or further investigation.

A final inspection report will be created by the inspector by completing the inspection report, which includes a documentation and records request section, inspection checklist, a description of deficiencies, additional comments and recommendations, and a photograph section. The deficiencies listed in the inspection report will include a due date for corrective action. The inspectors will provide the final inspection report via email to the tenant representative within seven business days unless circumstances or information requires additional time. The final inspection will become a part of the permanent DOTA tenant file. Tenants will have 30 days from the date the inspection report is provided to them (i.e., email, certified mail, etc.) to complete all deficiencies listed in their inspection report

If the tenant at HNL has an industrial NPDES permit, the DOTA EHS or inspector is required to send a copy of the inspection report to the DOH within 30 days of the inspection. This requirement applies only for tenants at HNL as a part of the HNL Individual Small MS4 Permit. If these requirements change, DOTA will utilize the most recent requirements for reporting to DOH.

DOTA Facility contact or operational information collected during the inspection may be utilized by other DOTA sections, such as Property Management, to update databases used for other purposes.

## **6.0 ENFORCEMENT**

---

The primary objective of DOTA NPDES enforcement program is to (1) motivate tenants to voluntarily comply with the DOTA and DOH stormwater regulations, (2) to correct any deficiencies or violations, and (3) to operate their facilities in accordance with the DOTA stormwater program, environmental policy, and BMPs. Developing and implementing this enforcement program protects DOTA's environmental resources.

### **6.1 Scope of Authority**

The enforcement options available to DOTA range from administrative actions, including written warnings, to possible eviction and referral to CWB Enforcement Office. The DOH may issue citations and a district court verdict of a misdemeanor or fine. In addition to the Federal NPDES program, there are three general areas of the environmental enforcement DOTA may cite in support of its actions.

- A. HAR Title 19 – Establishes uniform safety measures, operational standards and requirements, and the conduct for all tenants at Hawaii 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 Revocable Permit terms and conditions, and also terminate the lease, if necessary.

These areas of general enforcement are discussed in Appendix III; however, individual inspectors and DOTA EHSs, may not have the authority to pursue all areas of enforcement and would refer cases to the appropriate individuals when necessary.

### **6.2 Enforcement of DOH Regulations**

A Memorandum of Understanding (MOU; see Appendix II), dated March 29, 2000, between HDOT and DOH, established a protocol that authorizes HDOT 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 coordinate with DOH to pursue enforcement under HRS § 342D. DOH, with DOTA assistance, will enforce HRS § 342D using field citations, orders, penalties, hearings, civil actions, and other administrative processes.

### **6.3 Description of Enforcement Steps**

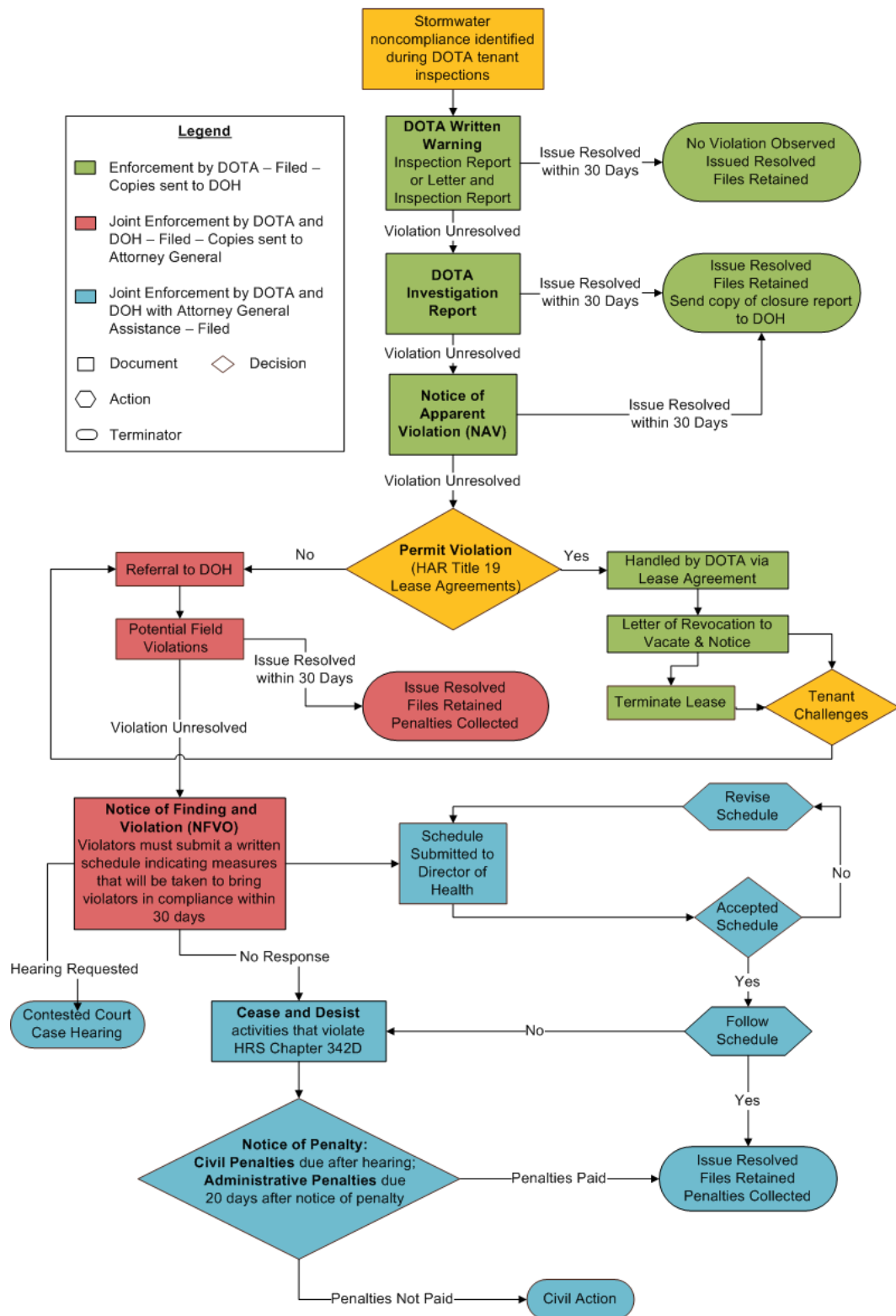
The goal of DOTA is to work with tenants toward meeting their environmental compliance obligations. Inspectors are encouraged to discuss innovative ways with tenants on how to achieve environmental compliance by providing several ideas or products that have worked in other similar situations. Inspectors may also suggest that the tenant obtain the advice of a consultant, if one is needed. Depending on the deficiency or violation, the inspectors will identify the appropriate enforcement response to achieve compliance. If the tenant does not achieve compliance by implementing the appropriate corrective action, the inspectors will escalate the enforcement response by issuing a more severe action that will achieve compliance. DOTA has adopted a tiered approach of escalating enforcement actions based on the severity of the violation and the tenant's compliance response history. Section 6.4 provides a description of the different levels of enforcement actions.

The following list is the step-by-step progression of a general enforcement action if a violation is discovered. The process is also depicted in Figure 1. The timeframes indicated may be amended through an extension granted by DOTA or DOH if requested by the tenant.

1. Written warning is issued to tenant and a copy is provided to sublessees if applicable. This will be an inspection report sent via email. If the tenant does not respond or the inspector does not receive confirmation via email read receipt, a letter will be sent to the tenant along with a copy of the inspection report.
  - If violation is resolved within 30 days – close enforcement.
  - If violation continues or there is no response from the tenant – enforcement escalates.
2. Formal Investigation Report and letter is issued and a copy is sent to DOH.
  - If violation is resolved within 30 days of issuance – close enforcement (send closure letter to the tenant and DOH).
  - If violation continues or there is no response from the tenant – enforcement escalates.
3. Formal NAV issued and a copy of NAV sent to DOH.
  - If the violation is resolved within 30 days of issuance – close enforcement (send copy of closure letter to the tenant and DOH).
  - If the violation continues or there is no response from the tenant – enforcement escalates.
4. Letter of Revocation and Notice to Vacate for Revocable Permits (by AIR-PM or AIR-EE)
  - If violation is resolved within five days of issuance – close enforcement (send closure letter to the tenant and DOH).
  - If violation continues or there is no response from the tenant – enforcement escalates to lease termination.
5. Termination of Lease
  - If the tenant challenges the termination of lease, DOTA can refer noncompliance of tenants to DOH as a last resort.
6. Enforcement by DOH – Upon referral from DOTA, or at their own accord, DOH can conduct inspections of tenants and issue enforcement actions depending on the nature and severity of the deficiency or violation.
  - Potential Field Citations can be issued to violator (tenant or sublessee) by DOH for minor violations.
    - If citations are paid and violation is resolved – close enforcement.
    - If violation continues or there is no response – enforcement escalates.
  - Notice of Finding and Violation Order (NFVO) can be issued to violator (tenant or sublessee) by DOH.
    - An acceptable compliance schedule is presented within 30 days.
      - Schedule followed – Notice of Penalty may be issued.



- Penalty paid to DOH within 30 days – close enforcement (send copy of closure letter to tenant, DOH, and State of Hawaii, Department of the Attorney General).
- Penalty not paid – enforcement action remains open and within 30 days civil action in name of the State may open.
- Schedule not followed – enforcement escalates.
  - Unacceptable schedule submitted or no response – enforcement escalates.
- Cease and Desist Order – DOH Director of Health issues a cease and desist order prescribing a date or dates by which the violation or violations shall cease; may also prescribe timetables for necessary action to prevent, abate, or control the violation or discharges. Notice of Penalty issued.
- Notice of Penalty issued can be issued to violator (tenant or sublessee) by DOH.
  - Penalty paid to DOH within 30 days – close enforcement (send copy of closure letter to tenant, DOH, and State of Hawaii, Department of the Attorney General).
  - Penalty not paid – enforcement action remains open and within 30 days civil action in name of the State may open.
- Alleged violator can request a hearing with DOH Director of Health – hearing granted as a “contested case” under HRS § 91.
  - DOH Director of Health finds no NPDES violation occurred or is occurring – closure letter issued.
  - DOH Director of Health finds a violation has occurred or is occurring – enforcement escalates.



**Figure 1: Enforcement Flow Chart for the Tenant Inspection Program**

## **6.4 Enforcement Documentation**

The levels of written enforcement actions in order of increasing severity are as follows:

- Written warning (inspection report, or letter and inspection report);
- Investigation Report and letter;
- NAV;
- Issuance of Letter of Revocation and Notice to Vacate; and
- Termination of Lease.

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.

### **6.4.1 Written Warning**

A written warning will be in the form of an inspection report or letter that documents any deficiencies observed at the time of inspection. Examples of deficiencies that warrant a written warning may include, but are not limited to the following:

- Lack of or out-of-date applicable permits (i.e., DOTA Discharge Permits, NPDES Permits, etc.), reports, or plans (i.e., SWPCP, SPCC Plan, etc.);
- Lack of good housekeeping BMPs;
- Improper storage of materials (e.g., chemicals, batteries, etc.);
- Lack of labeling on drum, ASTs, and MSTs; and/or
- Lack of drip pans beneath a leaky vehicle or equipment.

The inspector will discuss all observed deficiencies or violations with the tenant or their representative at the time of the inspection and will provide a date for all corrective action items to be resolved (typically 30 days). The inspection report will be provided to the tenant once the report has been finalized. Documentation and/or photos of all corrective action items are requested to be sent to the inspector by the date provided in the inspection report or the inspector can choose to conduct a follow-up inspection. The inspection report becomes a part of DOTA's permanent tenant file.

The tenant can submit an email requesting an extension of time to provide corrective actions, if needed. DOTA may grant extensions based on the merit of each individual request for extension via email. The tenant is required to provide photo documentation of the corrective actions to close out the deficiencies or violations.

If the tenant does not respond to the written warning by the deadline, or request an extension to complete and provide corrective action documentation to the inspector, DOTA will issue an Investigation Report for any unresolved items from the original inspection. For illicit discharges classified as violations, DOTA may escalate the enforcement based on the severity of the illicit discharge.

#### **6.4.2 Investigation Report**

The Investigation Report is used as a follow-up to a written warning. The report identifies inspectors, the investigation purpose, a description of facility operations, investigation findings, recommendations, and photo documentation. The Investigation Report includes a letter indicating a compliance deadline to provide inspectors with photographic evidence or documentation. A follow-up inspection may be scheduled within 30 days to verify that the deficiencies or violations were corrected. The inspector will send a copy of the Investigation Report to the tenant and DOH through certified mail. HNL and OGG are the only airports where DOH is sent a copy of the enforcement letter. The Investigation Report will become a part of DOTA's permanent tenant file. If the tenant does not respond to the Investigation Report by the deadline with appropriate corrective actions completed, DOTA will issue an NAV. A sample and blank Investigation Report and Letter is included in Appendix VI.

#### **6.4.3 Notice of Apparent Violation**

DOTA can issue a NAV letter to a tenant under several circumstances. If the tenant has received a written warning and Investigation Report, but did not correct the deficiencies, then the inspector will issue a NAV, which requires the tenant to initiate immediate corrective action for the observed deficiency or violation.

The NAV documents DOTA's efforts to work with the tenant to comply with their permit, plans, environmental laws, and BMPs. It also serves as a basis for future penalties, should the occurrence of violation(s) continue or increase. DOTA sends the NAV to the tenant and DOH by certified mail. HNL and OGG are the only airports where DOH is sent a copy of the enforcement letter. A sample NAV letter is included in Appendix VIII.

#### **6.4.4 Letter of Revocation and Notice to Vacate**

If the tenant does not respond to the NAV or does not provide corrective actions, DOTA has the option to exercise its right to revoke the lease agreement for failure to comply with all laws, ordinance, and rules and regulations of all governmental agencies, including but not limited to HAR § 11-54, HAR § 11-55, DOTA permit requirements, and tenant permits. AIR-EE will work with other departments and upper management to inform them of the situation that all options are exhausted and the tenant is unwilling to comply. AIR-PM will send a letter of revocation to the tenant indicating that DOTA intends to revoke the tenant's lease agreement upon five business days of the written notice. This letter also serves as a notice to vacate and remove all personal property from the Airport Property. A sample letter of revocation and notice to vacate is included in Appendix IX.

The AIR-EE Supervisor shall also notify the DOH by forwarding a copy of the previously submitted NAV and the Investigation Report(s) to the DOH, if needed.

The tenant is required to provide corrective action documentation within five business days from the letter of revocation and notice to vacate to comply. If the tenant does not comply, DOTA has the authority to terminate the lease for breach of lease agreement conditions and is entitled to regain possession of Airport Property administratively without court action.

If the tenant challenges the termination of lease, DOTA may refer the tenant in noncompliance to DOH, although this is not required.

#### **6.4.5 Enforcement by DOH**

Upon referral from DOTA or on their own accord, DOH can conduct inspections of tenants and issue enforcement actions depending on the nature and severity of the deficiency or violation. DOH has the following means to enforce any deficiency or violation to the NPDES permits, water quality standards, or to address discharges to State waters: potential field citations; formal NFVO; cease and desist order; hearings; and penalties. These enforcement actions are performed by DOH with assistance from DOTA and the Office of the State of Hawaii, Department of the Attorney General under HRS § 342D. Please note the steps detailed in Sections 6.4.5.1 and 6.4.5.2 are for informational purposes and DOH may choose other means for enforcement.

##### **6.4.5.1 Field Citation**

DOTA may also refer any deficiency or violation directly to DOH, who may conduct a site visit and issue a field citation. If the field citation is issued to DOTA, DOTA could choose the indemnification clause (if available within the lease agreement or Revocable Permit) to pass on the citation to the tenant.

##### **6.4.5.2 Notice of Finding and Violation Order, Cease and Desist Order, and Penalty**

An NFVO specifies the alleged violation and contains an order requiring the named individual(s) to submit a written schedule within 30 days to the DOH Director of Health specifying the measures to take, and the time within which such measures shall be taken to bring the entity into compliance with HRS § 342D. A sample of an NFVO is included in Appendix X. Circumstances and enforcement actions by DOH are listed below.

- If the alleged violator submits a schedule, the DOH Director of Health has 30 days to approve or modify the schedule. Any schedule not acted upon after 30 days of receipt by the DOH Director of Health shall be deemed acceptable.
- If the alleged violator does not submit a written schedule within 30 days of receipt of the NFVO and order, the DOH Director of Health shall issue a cease and desist order against the activities that violate HRS § 342D.
- If the DOH Director of Health determines that any person has violated an accepted schedule or order issued concerning this NFVO, the DOH Director of Health shall impose penalties by sending a notice in writing, either by certified mail or personal service, to that person, describing such non-adherence or violation with reasonable particularity.
- Any administrative penalty imposed under this chapter shall become due and payable 20 days after a notice of penalty is served to that person(s) unless a hearing with the DOH Director of Health is requested.
- The person(s) named in the NFVO may request, in writing, a hearing before the DOH Director of Health. Any hearing conducted under HRS § 342D shall be conducted as a contested case under HRS § 91. If, after a hearing held pursuant to this section, the DOH Director of Health finds a violation has occurred, the Director shall affirm or modify any penalties imposed; shall modify or affirm the order previously issued; issue an appropriate order or orders for prevention, abatement, or control of the violation or discharges involved; or take other corrective action as appropriate. Whenever a hearing is requested on any penalty imposed under this chapter, the penalty shall become due and

payable only upon completion of all review of proceedings and the issuance of a final order confirming the penalty in whole or in part. If, after a hearing on an order or penalty contained in a notice, the DOH Director of Health finds no violation has occurred or is occurring, the Director shall rescind the order of penalty. Any order issued after a hearing may prescribe timetables for when violation(s) shall cease and may prescribe timetables for necessary action to prevent, abate, or control the violation or discharges.

## **7.0 TRAINING**

---

Inspector, tenant, and employee trainings are designed to ensure stormwater pollution prevention requirements and responsibilities are clearly understood by all airport personnel responsible for preventing stormwater pollution at DOTA. Inspector training facilitates accurate inspections and enforcement actions under the stormwater program, while tenant and employee training is a necessary part of instructing airport employees on DOTA BMPs.

### **7.1 DOTA Inspector Training**

The *Tenant Inspection and Enforcement Manual* guides DOTA personnel and contract management staff, including inspectors, tasked to oversee and implement airport tenant inspections and enforcement activities. The risk-ranking process detailed in Section 3.0 determines the number and frequency of facility inspections required each calendar year at leased areas. The key inspection criteria, inspection procedures, and enforcement responses are covered in Sections 4.0, 5.0, and 6.0.

All inspectors must be familiar with the *Tenant Inspection and Enforcement Manual*. In addition to this manual, new inspectors will complete the tenant inspector training. If applicable, new inspectors will shadow an experienced inspector during tenant inspections to familiarize themselves with the inspection report and reporting procedures. New inspectors will continue to have frequent interactions with the experienced inspectors to discuss issues.

### **7.2 Annual Tenant and Employee Training**

Stormwater Pollution Prevention training is provided annually to DOTA employees and tenants whose activities may impact stormwater at all State airports. The annual training discusses how and why stormwater discharges are regulated, provides an in-depth discussion of BMPs developed to address the most common sources of stormwater pollution at Hawaii airports, explains the inspection criteria used by DOTA during tenant inspections, and covers the basics of spill response and clean-up.

## 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*.
- State of Hawaii, Department of Transportation, Airports Division. (2015). *Honolulu International Airport, Small Municipal Separate Storm Sewer System, Stormwater Management Program*.
- State of Hawaii, Department of Transportation, Airports Division. (2007). *Honolulu International Airport, Small Municipal Separate Storm Sewer System, Storm Water Management Program*.
- State of Hawaii, Department of Transportation, Airports Division. (2014, April 14). *National Pollutant Discharge Elimination System, Permit Number HI S000005*.
- United States Environmental Protection Agency, Office of Water Enforcement and Permits. (1986). *Pretreatment Compliance Monitoring and Enforcement Guidance*.
- United States Environmental Protection Agency, Office of Water Enforcement and Permits. (1989). *Guidance for Developing Control Authority Enforcement Response Plans*.



## **Appendix I**

### **Best Management Practices for Tenant Operations at State of Hawaii Airports**



# Best Management Practices for Tenant Operations at State of Hawaii Airports



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



August 2019  
Version 2

## **Disclaimer**

Industrial and commercial activities conducted at the airport have the potential to discharge pollutants into the State of Hawaii, Department of Transportation, Airports Division (DOTA) Small Municipal Separate Storm Sewer System (MS4), underground injection control (UIC) wells, or receiving waters. Airport tenants are responsible to prevent or reduce the release or discharge of pollutants generated by their operations at both their leased tenant space and the common use areas of the Air Operations Area (AOA), such as the ramp. This document shall serve as a guidance document for general activities conducted by any and all tenants and their service providers at all State of Hawaii airports. The list of federal, state, and local regulations that apply to environmental compliance at the airports is provided in Attachment I. It is every tenant's responsibility to ensure that their activities comply with all current and applicable environmental laws and regulations, as well as their signed lease agreement with DOTA.

All tenants and/or their contractors operating at the airport shall adhere to the following best management practices (BMPs) in both their leased space and common use areas, airport responsibilities as described in Hawaii Administrative Rules (HAR) Title 19, 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.

## TABLE OF CONTENTS

GOOD HOUSEKEEPING PRACTICES .....	1
AIRCRAFT, VEHICLE, AND EQUIPMENT MAINTENANCE AND REPAIR .....	3
AIRCRAFT, VEHICLE, AND EQUIPMENT BODY REPAIR .....	5
AIRCRAFT, VEHICLE, AND EQUIPMENT WASHING .....	7
AIRCRAFT, VEHICLE, AND EQUIPMENT FUELING .....	8
FERTILIZER AND PESTICIDE STORAGE AND APPLICATION .....	11
CONTAINER AND MATERIAL STORAGE AND HANDLING .....	12
SOLID WASTE STORAGE AND DISPOSAL .....	14
SPILL PREVENTION AND RESPONSE .....	16
OUTDOOR LOADING AND UNLOADING PRACTICES .....	20
TRITURATOR OPERATION PRACTICES .....	21
ATTACHMENT I – LIST OF APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS APPLYING TO ENVIRONMENTAL COMPLIANCE AT AIRPORTS	
ATTACHMENT II – SUMMARY OF FEDERAL AND STATE REGULATIONS FOR SOLID WASTE MANAGEMENT	

## 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	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	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	Permanent Best Management Practice
PCB	Polychlorinated biphenyl
PPE	Personal Protective Equipment
SDS	Safety Data Sheet
SDWB	Department of Health, Safe Drinking Water 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

## Best Management Practices Good Housekeeping Practices

### Description

Various operations conducted at the common use areas of the AOA, tenant leased spaces, or in conjunction with tenant operations have the potential to impact stormwater runoff. Good housekeeping practices are intended to maintain a clean, safe, and environmentally friendly working environment. Implementing good housekeeping best management practices (BMPs) reduces the potential for pollutants to enter the State of Hawaii, Department of Transportation, Airports Division (DOTA) Small Municipal Separate Storm Sewer System (MS4), State waters, and/or underground injection control (UIC) wells to the maximum extent possible.

### Limitations

There are no major limitations to the implementation of this BMP.

Practice		
<input type="checkbox"/>	1	DO NOT overfill dumpsters or leave trash outside of containers. Ensure that materials put into dumpsters do not leak out of dumpsters and commingle with stormwater runoff. Use leak-proof dumpsters and keep them covered when not in use. If dumpsters are damaged, are delivered without lids, or leaks from dumpsters are observed, 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. Minimize the potential for waste, garbage, and floatable debris to be discharged to the MS4 or UIC wells by keeping exposed areas free of such materials or by intercepting them before they are discharged.
<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 of materials. DO NOT hose down facility floors or outside areas with water unless a collection method and/or treatment device is implemented to contain wash water, properly dispose, and ensure there is no potential to impact stormwater. Treatment devices include oil water separators (OWSs), sumps, or other equivalent methods.
<input type="checkbox"/>	5	Place spill kits in easily accessible areas and keep them stocked. If activities are conducted in areas that pose a potential threat for non-stormwater discharges to enter drain inlets, such as fueling activities, it is prudent to include drain mats or other preventative devices within spill kits to prevent discharges into drainage structures.
<input type="checkbox"/>	6	Clean up spills and leaks promptly using dry methods such as rags or absorbent material to prevent discharge of pollutants into the MS4 or UIC wells, and properly dispose of spent cleaning materials. Put spent rags or other absorbent material used to contain any non-hazardous spills in durable plastic bags, double wrap (if applicable), seal with tape, and place in trash dumpsters. Disposal of hazardous spilled substances and spent cleanup materials shall be in accordance applicable rules and regulations.

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

Practice		
<input type="checkbox"/>	7	Perform Permanent Best Management Practice (PBMP) inspections annually and perform maintenance as required. Document all inspections and maintenance of PBMPs and maintain records. Refer to the <i>PBMP Fact Sheet</i> .
<input type="checkbox"/>	8	Identify storm drains, UIC wells, and waterways in each work area and prevent non-stormwater discharges into the storm drainage system.
<input type="checkbox"/>	9	Inspect storm drain inlets regularly for sediment build-up or debris accumulation. DOTA maintains all storm drain inlets through a routine maintenance contract at HNL and OGG. If the build-up and/or accumulation is not a result of tenant activity, notify AIR-OME or AIR-EE if storm drain inlets and catch basins require cleaning. Otherwise, it is the tenant's responsibility to ensure that all storm drains are maintained.
<input type="checkbox"/>	10	Inspect and maintain BMPs implemented by leasee within storm drains (i.e. witches' hat, etc.).
<input type="checkbox"/>	11	Divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize discharge of pollutants.
<input type="checkbox"/>	12	Perform daily facility inspections to ensure good housekeeping practices are being followed by facility personnel.
<input type="checkbox"/>	13	Maintain records for all permits and plans for a minimum of five years.
<input type="checkbox"/>	14	<p>Ensure that all employees complete annual DOTA Stormwater BMP Training and have filled out the 10-question survey. At a minimum, one person from each facility must complete the annual DOTA Stormwater BMP Training and 10-question survey. This training covers BMPs listed in this manual. If only one person completed the training, they will be responsible to train all other employees as necessary and keep a roster of all personnel trained.</p> <p>Please click on the link to view the DOTA Stormwater BMP Training Video:  <a href="http://hidot.hawaii.gov/airports/doing-business/engineering/environmental">http://hidot.hawaii.gov/airports/doing-business/engineering/environmental</a></p>
<input type="checkbox"/>	15	It is good practice to identify all chemical substances used in maintenance activities, compile Safety Data Sheets (SDSs) for hazardous chemicals, and store SDSs where chemicals are used. SDSs provide both workers and emergency responders with the proper procedures for handling a particular hazardous substance.

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

### Description

Routine maintenance on aircraft, vehicles, and equipment must be done to maintain their proper operation and prevent leaks and spills. Additionally, emergency maintenance of aircraft and equipment outside of tenant leased spaces may be required. The maintenance and repair activities conducted may include fluids removal, engine and parts cleaning, and/or tire repair and replacement. These activities represent a potentially significant source of contaminants due to the harmful materials used and the waste generated. This BMP is designed to prevent, or at minimum reduce to the maximum extent possible, the impact of contaminants from maintenance and repair on the stormwater system and/or UIC wells.

### Limitations

Only emergency repair may be conducted in the AOA common use areas. 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 good operating condition. Inspect aircraft, vehicles, and equipment periodically for leaks, immediately implement appropriate drip protection measures if a leak is observed, and repair as soon as possible.
<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 storm drain system. If emergency maintenance is conducted within the common use areas of the AOA, BMPs must be in place and perform an area check and clean up after maintenance is conducted.
<input type="checkbox"/>	3	Store damaged and/or leaky aircraft, vehicles, and equipment indoors whenever possible. When a drip or leak is identified, use drip protective measures as means to prevent contact with ground (indoors or outdoors). If a drip pan is used outdoors, make sure that the drip pan is cleaned 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, vehicle, or equipment before storage. Store damaged and/or salvage aircraft, vehicle, 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 any other drainage control measures whenever removing fluids to capture any releases and prevent stormwater pollution. Clean the drip pans when they fill up with oils or other fluids and dispose of the contents properly.
<input type="checkbox"/>	6	Transfer fluids to a designated storage container as soon as possible.
<input type="checkbox"/>	7	Store used, cracked, damaged, or acid batteries under cover and within secondary containment measures.



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

Practice		
<input type="checkbox"/>	8	When not in use, store drums 25-gallons and larger of liquid materials and waste indoors or under cover and within secondary containment. Store smaller containers of liquid materials and waste indoors or under cover.
<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 closed and sealed when not in use.
<input type="checkbox"/>	10	Store materials, such as impermeable berms or drain mats 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.
<input type="checkbox"/>	12	Use dry cleanup methods such as dry sweep or vacuum all areas and properly dispose of clean-up 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 and has no potential to impact stormwater.
<input type="checkbox"/>	13	Prohibit pouring liquid waste into floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections. Dispose of the waste liquids properly.
<input type="checkbox"/>	14	Maintain stocked spill kits throughout the facility, especially in maintenance areas to protect discharge to receiving waters and storm drain inlets in the event of a spill. Refer to the Spill Prevention and Response BMPs section located within this manual.
<input type="checkbox"/>	15	Ensure that the BMPs installed at the tenant facility for stormwater management, such as the OWSs, storm drain inlet inserts, etc. are functioning as designed. Conduct inspections, maintenance and/or repairs as needed.
<input type="checkbox"/>	16	Inspect the maintenance area regularly for proper implementation of BMPs.
<input type="checkbox"/>	17	Conduct employee training annually and as required.

## **Best Management Practices Aircraft, Vehicle, and Equipment Body Repair**

### **Description**

Body repair for aircraft, vehicles, and equipment is only conducted in permitted paint booths or auto repair/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. This BMP is designed to prevent or reduce the impact of pollutants on the stormwater entering DOTA's MS4 and/or UIC wells from body repair.

### **Limitations**

The fire code does not allow sanding and painting activities, unless conducted within an approved and permitted paint booth or by a permitted auto repair/auto body shop. Tenants conducting these activities must receive permission from Airports Rescue and Fire Fighting department to ensure this activity is allowed at their leased space.

<b>Practice</b>		
<input type="checkbox"/>	1	Perform all body repair activities indoors or under cover and within a permitted paint booth or at an 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. Then sweep or vacuum up the dust. Finally, mop the area and dispose of the mop water properly. Put spent rags or absorbent material used to contain any non-hazardous spills in durable plastic bags, double wrap (if applicable), seal with tape, and place in trash dumpsters. Disposal of hazardous spilled material and spent cleanup materials should be in accordance with the Solid Waste Storage and Disposal BMP.
<input type="checkbox"/>	5	Use solvents with low volatility and coatings with low volatile organic compound (VOC) content; 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.
<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. Prohibit uncontained spray-painting activities. Painting outside or inside of hangars is prohibited due to fire code.
<input type="checkbox"/>	9	DO NOT use water to control overspray or dust in the paint booth 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 treated or hauled.
<input type="checkbox"/>	12	DO NOT clean out brushes or rinse paint containers into the dirt, street, gutter, storm drain, or waterways. "Paint out" brushes as much as possible. Prohibit washing paint equipment outside on pavement or into storm drains and/or UIC wells.
<input type="checkbox"/>	13	Rinse the oil-based paint brush using paint thinners. Use a brush-and-roller spinner after the paint solids are loosened from the brush, dip the brush into a clean container of paint thinner, and spin the brush again. DO NOT dump the paint thinner when done; let the paint solids settle to the bottom of the container, then pour off the rest into a clean container. Let the paint solids dry out and then dispose properly.
<input type="checkbox"/>	14	Properly segregate and label waste paints for disposal according to the Solid Waste Storage and Disposal BMP. Note: oil-based paints are considered hazardous waste.
<input type="checkbox"/>	15	Conduct employee training annually and 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 an impervious area where wash water can be contained and properly disposed of or directed to an OWS that drains to the sewer system, evaporation ponds, or collected and properly disposed of. Wash water may contain oils, greases, heavy metals, sediments, soaps, and other pollutants that pose a threat to the storm drain system and receiving water bodies. This BMP is intended to reduce the impact of these activities on stormwater runoff.

### Limitations

As stated above.

Practice		
<input type="checkbox"/>	1	Keep aircraft, vehicles, and equipment clean and in good operating condition. Aircraft, vehicle, equipment washing activities are <u>NOT</u> permitted in the common use areas of the AOA., unless at designated wash racks.
<input type="checkbox"/>	2	Wash aircraft, vehicle, and equipment in designated wash racks or wash areas located at the tenant facility. Ensure the wash racks or wash areas are located indoors, under cover, or on an impervious area where wash water can be contained and directed to the municipal sewer system.
<input type="checkbox"/>	3	Use detergents that meet U.S. Environmental Protection Agency's (EPA) Safer Choice Standard. Please refer to the following link to verify if the product you are using meets this standard: <a href="https://www.epa.gov/saferchoice/products">https://www.epa.gov/saferchoice/products</a> .
<input type="checkbox"/>	4	Where applicable, dry wash aircraft, vehicles, and equipment.
<input type="checkbox"/>	5	See Solid Waste Storage and Disposal BMP for OWS maintenance.
<input type="checkbox"/>	6	Ensure the OWSs within the tenant spaces have all applicable permits.
<input type="checkbox"/>	7	Prohibit washing of personal vehicles.
<input type="checkbox"/>	8	Ensure BMPs are implemented while washing at the DOTA wash racks or 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, showering, and splashing.
<input type="checkbox"/>	10	Conduct employee training annually and as required.

## Best Management Practice Aircraft, Vehicle, and Equipment Fueling

### Description

During fueling of aircraft, vehicles, and equipment on the tenant space, there is the potential for leaked or spilled fuel to contaminate stormwater. The procedures outlined in this BMP are intended to prevent fuel spills and leaks and reduce potential spills from impacting stormwater runoff.

### Limitations

There are no major limitations to the implementation of this BMP.

Practice		
<input type="checkbox"/>	1	Where possible, perform fueling of aircraft, vehicles, and equipment in designated areas away from storm drain inlets, drainage channels, UIC wells, or receiving waters.
<input type="checkbox"/>	2	Conduct fueling operations (including the transfer of fuel to tank trucks) on an impervious or contained pad and under a roof or canopy, where possible.
<input type="checkbox"/>	3	DO NOT top off or allow unattended fueling.
<input type="checkbox"/>	4	Engage the interlocking brake system and/or chock the wheels of the fueling vehicle to avoid the driver from moving. Place a traffic cone or warning sign for safety.
<input type="checkbox"/>	5	Ensure that containment devices or diversion measures (e.g., storm drain cover, Safe Drain, etc.) are properly implemented during filling of Aboveground Storage Tanks (ASTs) and Underground Storage Tanks (USTs). Monitor filling of ASTs and USTs. Conduct a visual check and test the stormwater collected in the Safe Drain containment measures prior to discharge.
<input type="checkbox"/>	6	DO NOT hose off fueling area.
<input type="checkbox"/>	7	Post proper fueling and cleanup instructions in fueling areas.
<input type="checkbox"/>	8	Use only dry absorbents or other cleanup materials to contain spills. Promptly clean spills with rags or absorbent material, and properly dispose of cleaning materials. Put spent rags or absorbent material in a durable container until disposal can be facilitated. For larger spills, contact spill response personnel immediately. See Spill Prevention and Response BMPs located in this manual. Dispose of hazardous spilled material and spent cleanup materials in accordance with the Solid Waste Storage and Disposal BMP.
<input type="checkbox"/>	9	Maintain an ample supply of spill cleanup materials and spill control equipment near fueling areas to protect discharge to storm drain inlets and receiving waters in the event of a spill. Equip fuel trucks and mobile tanks with spill cleanup materials. Each kit should have, at a minimum, loose absorbent material, broom, and pan or shop vac to pick up absorbent materials.

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

Practice		
<input type="checkbox"/>	10	Develop and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan, if required. Ensure the SPCC Plan is updated at the required frequency. Conduct inspections and training per SPCC Plan requirements at the required frequency.
<input type="checkbox"/>	11	Train oil and hazardous material handling personnel on proper fueling operations as well as spill response and reporting procedures annually and as required. Refer to the Spill Prevention and Response BMPs listed in this manual.
<input type="checkbox"/>	12	Dispose the waste resulting from fuel tests and water collected in fuel tanks and hydrant sumps in accordance with the applicable county, state, and federal regulations.

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

Practice		
□	13	<p>The tenants and/or their fueling contractors should conduct the following checks regularly in addition to their operational procedures. If the following checks fail, replace defective parts immediately or remove from service until repaired.</p> <p><u>Fuel Storage Tanks:</u></p> <ol style="list-style-type: none"> <li>1. Check the general condition of fuel storage tanks for safety defects, damage, corrosion, leaks, and appearance.</li> <li>2. Check the condition of all fuel hoses and dispensing nozzles for wear.</li> <li>3. Check piping systems (e.g. pipes, pumps, flanges, couplings, hoses, and valves) for failure, cracks, and leaks.</li> <li>4. Check for appropriate monitoring via liquid level indicators or gauges, overfill protection with alarms, leak detection systems.</li> <li>5. Check automatic shut off controls on fuel dispensing nozzles.</li> <li>6. Check posts surrounding the fuel pumps and tanks to ensure they are in good condition to prevention collisions during vehicle ingress and egress.</li> </ol> <p><u>Tank Truck or Fueling Vehicle Checks:</u></p> <ol style="list-style-type: none"> <li>7. Check the general condition of tank trucks or fueling vehicles for safety defects, equipment damage, fuel leaks, and appearance.</li> <li>8. Check the operation of deadman controls, brakes, or the safety interlock system.</li> <li>9. Check the condition of all fuel hoses, swivels, and dispensing nozzles for wear.</li> <li>10. Check the general condition of grounding reels, cables, clamps, and lift platforms.</li> <li>11. Verify that fire extinguishers are in proper place with unobstructed access.</li> <li>12. Check the satisfactory operation of the emergency shutdown system.</li> </ol> <p><u>Hydrant System Checks:</u></p> <ol style="list-style-type: none"> <li>13. Check the hydrant valve pits for fuel leaks, liquid level, and cleanliness.</li> <li>14. Check the hydrant valve including components for visual deficiencies.</li> <li>15. Ensure all emergency fuel shutdown stations on the ramp have clear access and check if the locator lights are working properly.</li> <li>16. Verify the satisfactory operation of emergency shutdown.</li> <li>17. Report abnormal pressure / flow charts because this may indicate leaks.</li> <li>18. Check the isolation valve pits that control the distribution of fuel, for emergency access, lid condition, fuel leaks, and electrical components.</li> </ol> <p>Confirm satisfactory operation of pipeline leak detection system and/or pipeline monitoring systems, where installed.</p>

## **Best Management Practices Fertilizer and Pesticide Storage and Application**

### **Description**

Fertilizer and pesticide application are conducted by the tenant facility personnel or hired contractor to maintain landscaping or kill pests at their facility. Overuse of pesticides and fertilizers can lead to the presence of these chemicals in stormwater at significant concentrations. 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). This BMP is designed to prevent or reduce the impact of pollutants to stormwater or UIC wells from fertilizer and pesticide storage and application.

### **Limitations**

The only limitations are that the 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 to minimize 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 unnecessary containers properly in accordance with the Solid Waste Storage and Disposal BMP.
<input type="checkbox"/>	3	DO NOT over apply and ensure that all application is away from the DOTA MS4 and UIC wells.
<input type="checkbox"/>	4	Use natural or organic alternatives, if possible.
<input type="checkbox"/>	5	Follow all rules and laws, refer to the Hawaii Department of Agriculture, Plant Industry Division, Pesticide Branch for more information on the following: Hawaii Revised Statutes (HRS), Administrative Rules, Chapter 66; HRS, Hawaii Pesticide Law, Chapter 149A; Senate Bill 3095; and Act 45 (2018).



## Best Management Practices Container and Material Storage and Handling

### Description

A variety of products and materials that may adversely affect water quality are stored at the tenant facility or common use areas of the AOA. This BMP is intended to reduce the potential for the contamination of stormwater by minimizing exposure of such products and materials to stormwater, minimizing hazardous materials used on-site, and training employees in 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 (used tires, rusted 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	Liquid storage in containers 25 gallons or greater and used acid batteries shall be stored indoors or under cover, and within secondary containment measures. Accumulation in secondary containment measures should be minimized, managed, and disposed of properly.
<input type="checkbox"/>	3	Liquid containers in less than 25 gallons shall be stored indoors or under cover. If stored outdoors, they are within secondary containment measures and covered. Accumulation in secondary containment measures should be minimized, managed, and disposed of properly.
<input type="checkbox"/>	4	Store small containers of flammable materials within flammable storage lockers.
<input type="checkbox"/>	5	When storing materials (used tires, rusted metals, etc.) outdoors, place 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"/>	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 are 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.
<input type="checkbox"/>	9	Maintain accurate and organized inventory of stored supplies and materials used in the maintenance areas. Compile an SDS for all chemicals and maintain them in an accessible location for employees. Periodically review inventory and properly dispose of materials that are expired or no longer used.

Practice		
<input type="checkbox"/>	10	Only purchase and store required quantities of hazardous materials and use less hazardous alternative materials where possible. 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 with the product it contains. If possible, a canopy or cover should be installed over ASTs used for fueling or transfer of products.
<input type="checkbox"/>	12	Maintain an ample supply of spill clean-up materials near where spills may occur (e.g., liquid material storage areas, fueling areas, etc.) or where a rapid response can be made. Recommendation to include drain mats or other devices in spill kits to immediately stop and prevent spills from entering storm drain structures in high risk areas.
<input type="checkbox"/>	13	Use absorbent materials to contain any spills. Promptly clean spills with rags or absorbent material, and properly dispose of cleaning materials. Put spent rags or absorbent material in durable plastic bags, double wrap (if applicable), seal with tape, and dispose in trash dumpsters. Disposal of hazardous spilled material and spent cleanup materials should be in accordance with the Solid Waste Storage and Disposal BMP. For larger spills, contact spill response personnel immediately. See Spill Prevention and Response BMP.
<input type="checkbox"/>	14	Follow manufacturer's instructions regarding uses, protective equipment, ventilation, flammability, and mixing of chemicals.
<input type="checkbox"/>	15	Recycle spent anti-freeze, used oil, spent solvents, windshield washer fluid, used batteries, degreasers, used paints, thinners, etc.
	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. Conduct inspections and training per SPCC Plan requirements at the required frequency.
<input type="checkbox"/>	17	Conduct employee training annually and as required in spill prevention and proper material management. 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 the airport 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 tracking solid waste storage, handling, and disposal, as well as reducing the waste generation through reuse and recycling.

The solid waste generated from tenant activities may include, but are not limited to, oil-based paints, solvents, thinners, petroleum products, used batteries, anti-freeze, light ballasts, and other chemicals. Some of this waste should be managed as hazardous waste, universal waste, and/or used oil 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.

The procedures outlined in this BMP are intended to prevent or reduce the discharge of pollutants to stormwater through proper solid waste storage and disposal and training of employees and subcontractors.

### **Limitations**

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

<b>Practice</b>		
<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.
<input type="checkbox"/>	3	Maintain good integrity of all storage containers (e.g., used oils, hydraulic fluids, spent solvents, waste aircraft fuel). Inspect containers regularly and transfer waste from damaged containers into containers that are intact and ensure new containers are properly labeled.
<input type="checkbox"/>	4	Identify, list, and inventory all chemical substances present in the facility. Compile an SDS for all chemical substances. Have SDS data readily accessible for facility employees.
<input type="checkbox"/>	5	Only purchase and store required quantities of hazardous materials.
<input type="checkbox"/>	6	Water-based paints should be dried and disposed of in the dumpsters. Dispose of excess oil-based paints and sludge as hazardous waste.
<input type="checkbox"/>	7	Designate an indoor or covered hazardous waste collection area.
<input type="checkbox"/>	8	Hazardous waste should be stored in secure, covered containers, and protected from damage. Place hazardous waste containers in secondary containment.

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

<b>Practice</b>		
<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.
<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, spent lead acid batteries, scrap metal, and used oil filters, etc. Filter and re-use thinners and solvents.
<input type="checkbox"/>	14	Store used oil in appropriate containers, label containers clearly with the words “Used Oil,” and provide secondary containment for containers 25 gallons or larger.
<input type="checkbox"/>	15	Store universal waste in appropriate containers, indoors or under cover, and label containers clearly with the words “Universal Waste” followed by “lamps, batteries, etc.,” in addition to marking with the accumulation start date. Dispose of universal waste within one year of the accumulation start date.
<input type="checkbox"/>	16	Store used acid batteries indoors or under cover and within secondary containment.
<input type="checkbox"/>	17	Store used tires and rusted metal under cover and off ground, if practicable while awaiting disposal.
<input type="checkbox"/>	18	Place spill kits where they are readily accessible.
<input type="checkbox"/>	19	If containers spill, clean up immediately; follow procedures in the Spill Prevention and Response BMP.
<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 solids and petroleum removal efficiency.
<input type="checkbox"/>	21	Conduct employee training annually and 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**

Spills of materials used and stored at the tenant facility can impact stormwater runoff. The procedures outlined in this BMP are intended to prevent spills from occurring and outline procedures to be followed in the event of a spill.

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 your airport. Daily inspections of the facility shall identify any small spills, which shall be addressed immediately.

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

### **Limitations**

There are no major limitations to the implementation of this BMP.

<b>Practice</b>		
<input type="checkbox"/>	1	Stop work.
<input type="checkbox"/>	2	Determine the source of the release and any hazards present.
<input type="checkbox"/>	3	Notify the EC and Safety (ARFF) personnel as required per the Spill Reporting Fact Sheet. Notify all other Airport Personnel (Airport Duty Manager or Code 22, Ramp Control, or Dispatch) as required. Notify and alert others of the incident via: (1) voice; (2) hand-held radios; and/or (3) other effective communication.
<input type="checkbox"/>	4	The EC shall evaluate the situation and decide whether to implement a "fight or flight" response by gathering the following information, if it can be done safely: <ul style="list-style-type: none"><li>• Location of the release</li><li>• Type, quantity, and description of the release</li><li>• Hazards of the release</li><li>• Type of media affected (e.g., soil, asphalt, concrete, etc.).</li><li>• Rate of the release</li><li>• Migratory direction of the release</li><li>• Potential for fire or explosion</li><li>• Potential for human exposure</li><li>• Potential for migration to surface water (e.g., ocean, storm drains, UIC wells, etc.)</li></ul>
<input type="checkbox"/>	5	Keep non-essential employees and visitors away from the spill area.
<input type="checkbox"/>	6	Prevent vehicles and equipment from driving through the spill area.

**Best Management Practices**  
**Spill Prevention and Response Practices**  
(Continued)

Practice		
<input type="checkbox"/>	7	Locate, stop, and contain the source of the release.
<input type="checkbox"/>	8	<p>Confine the release to prevent further migration using drainage controls, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Diking and berming using sand, soil, or other inert material;</li> <li>• Sealing storm drains with plastic and sandbags;</li> <li>• Placing granular absorbent or absorbent pads and booms;</li> <li>• Diverting the chemicals from entering drains, manholes, streams, etc.; and</li> <li>• Implementing retention techniques.</li> </ul>
<input type="checkbox"/>	9	Call the facility spill response contractor for cleanup and removal of accumulated product resulting from the release. Ensure that the contractor collects and containerizes the spilled materials, affected media, used decontamination solutions. The contractor shall transport and properly dispose of the hazardous waste in accordance with applicable federal and state regulations.
<input type="checkbox"/>	10	Clean any stained pavement by placing a berm for containment around the stained area, scrubbing the area using detergent or cleaning agent, and rinsing. The detergent and rinse water must be collected in the bermed area around the spill and removed.

**Best Management Practices**  
**Spill Prevention and Response Practices**  
(Continued)

Practice		
<input type="checkbox"/>	11	<p>The EC shall determine whether the spill is a reportable incident in accordance with the <i>Spill Reporting Fact Sheet</i> for the respective airport. If the spill is a reportable incident, the following agencies should be notified:</p> <ul style="list-style-type: none"> <li>• National Response Center – (800) 424-8802</li> <li>• Local Emergency Planning Committee – see <i>Spill Reporting Fact Sheet</i> for your respective airport</li> <li>• State of Hawaii, Department of Health (DOH) Hazard Evaluation and Emergency Response (HEER) office – (808) 586-4249 or (808) 247-2191 (after hours)</li> <li>• Department of Health, Clean Water Branch (CWB) – (808) 586-4309 (only if spill reaches DOTA's MS4 or state waters)</li> <li>• Department of Health, Safe Drinking Water Branch (SDWB) – (808) 586-4258 or (808) 247-2191 (after hours) (only if it reaches a UIC well)</li> <li>• Department of Health, Waste Water Branch (WWB) – (808) 586-4249 (only for reportable sewage spills)</li> </ul> <p>The following information should be provided:</p> <ol style="list-style-type: none"> <li>1. Caller name and telephone number</li> <li>2. Name of hazardous substance spilled</li> <li>3. Approximate quantity spilled</li> <li>4. Location of the spill and Medium affected (land, water, etc)</li> <li>5. Date and time of the spill</li> <li>6. Description of how it happened</li> <li>7. Immediate danger or threat posed by the release</li> <li>8. Contact information for the responsible party</li> <li>9. Measures taken or proposed to be taken to clean up the spill</li> <li>10. Any known injuries resulting from exposure</li> <li>11. Other country, state or federal officials that were also notified</li> </ol> <p>Call AIR-EE at (808) 838-8002 to report all verbal notifications. Copy AIR-EE (<a href="mailto:dot.air.environmental@hawaii.gov">dot.air.environmental@hawaii.gov</a>) on all written notifications.</p>
<input type="checkbox"/>	12	<p>If the spilled material is a reportable incident, a written notification must also be submitted to various agencies no later than 30 days following the discovery of the release in accordance with the <i>Spill Reporting Fact Sheet</i> for the respective airport.</p>
<input type="checkbox"/>	13	<p>If the EC decides on the "flight" option, the EC is to immediately alert and evacuate all personnel. The spill response team should don the appropriate Personal Protective Equipment (PPE).</p>
<input type="checkbox"/>	14	<p>Labeling, transportation, and subsequent disposal of hazardous materials/waste must be in accordance with applicable government regulations.</p>

**Best Management Practices**  
**Spill Prevention and Response Practices**  
(Continued)

Practice		
<input type="checkbox"/>	15	All used decontamination solution, disposable PPE, and affected media must be properly packaged in U.S. Department of Transportation specified containers.
<input type="checkbox"/>	16	Implement proper decontamination procedures on vehicles, affected media, PPE, and equipment. This may include placing absorbent material on oil-stained pavement; later sweeping up, removing, and disposing of affected media (soil or loose asphalt) that contains contaminant; and/or berming the spill area, scrubbing using detergents, and disposing detergent and rinse in accordance with applicable rules and regulations.



## Best Management Practices Outdoor Loading and Unloading Practices

### Description

Several loading and unloading activities involving cargo, hazardous materials (HAZMAT), and aircraft servicing and waste disposal operations are conducted at the common use areas of the AOA. The loading and unloading of materials usually take place outside; therefore, materials spilled, leaked, or lost during the process may collect in the soil or on other surfaces and have the potential to be carried away by stormwater runoff. Implementation of these practices will prevent or reduce the discharge of pollutants to stormwater from the loading and unloading of materials.

### Limitations

All the tenants and/or their contractors operating at the common use areas of the AOA will implement their individual or contractor's company policies or procedures, ramp responsibilities, and state and federal regulations in addition to this BMP.

Practice		
<input type="checkbox"/>	1	Perform loading and unloading operations on designated areas, away from storm drain inlets, drainage channels, or receiving 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	Keep accurate maintenance logs to evaluate materials removed and improvements.
<input type="checkbox"/>	4	Park tank trucks or ground service equipment (GSE) in designated areas that have drainage controls to contain spills or leaks of materials.
<input type="checkbox"/>	5	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.
<input type="checkbox"/>	6	Check equipment regularly for leaks. Remove any faulty or leaking equipment from service.
<input type="checkbox"/>	8	Use drip pans underneath hose and pipe connections, access fittings, and other leak-prone spots during liquid transfer operations. Drip pans may also be used for leaking delivery trucks, where appropriate.
<input type="checkbox"/>	9	Conduct regular broom sweeping of the loading and unloading area.
<input type="checkbox"/>	10	Maintain spill response materials on the all petroleum storage tank trucks as well as near the loading and unloading areas. In addition, place a stockpile of spill cleanup materials where it will be readily accessible to the service equipment.
<input type="checkbox"/>	11	Limit exposure of material to rainfall whenever possible, such as only loading or unloading during dry weather, or conducting the loading or unloading indoors or under cover. Whenever possible, avoid placing the loading area near storm drains or cover storm drains during loading or unloading operations.

## **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. The following BMP outlines the steps for proper operation of the Triturator facilities to minimize the risk of a wastewater spill.

Potential sources of wastewater spills include failing private laterals, portable toilet failure, or triturator equipment. 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, Department of Health, Chapter 2, Wastewater Systems.

### **Limitations**

There are no major limitations to the implementation of this BMP.

<b>Practice</b>		
<input type="checkbox"/>	1	Ensure the pit door is open.
<input type="checkbox"/>	2	Position the vehicle so that the discharge pipe is centered over the pit.
<input type="checkbox"/>	3	Some tritulators may require the activation of the equipment via a start button.
<input type="checkbox"/>	4	Deposit the waste. 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	Ensure that the discharge valve is tightly closed to prevent releases and do not move the vehicle until faulty discharge valves are corrected.
<input type="checkbox"/>	7	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.

**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 § 403 General Pre-Treatment Regulations for Existing and New Sources of Pollution

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

**City and County Ordinances**

City and County of Honolulu Sewer Ordinance 14

City and County of Maui Sewer Ordinance 19

City and County of Hawaii Sewer Ordinance 21

City and County of Kauai Sewer Ordinance 14

**Airport Rules**

Property Management Clauses

**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**

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

Airport Rules and Regulations and Property  
Management Environmental Clauses

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.



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.

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

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.

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**

### Stormwater BMP Inspection Report



# Stormwater BMP Inspection Report



Date:	Time:	Weather:	Address:
Leaseholder Name:			PMID(s):
Tenant Name:			Previous Risk Ranking:
Tenant Representative:			Contact Information:
Other Occupant(s):			
<b>Type of Inspection:</b> <input type="checkbox"/> Initial <input type="checkbox"/> Routine <input type="checkbox"/> Follow-up <input type="checkbox"/> Complaint <input type="checkbox"/> Other:			
<b>Previous Enforcement:</b> <input type="checkbox"/> None <input type="checkbox"/> Written Warning <input type="checkbox"/> Investigation Report <input type="checkbox"/> NAV <input type="checkbox"/> Letter of Revocation <input type="checkbox"/> Other:			
<b>Facility Description:</b>			
<b>Facility Classification:</b> <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial			SIC Code:
<b>Facility Operations:</b>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Aircraft Maintenance &amp; 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: _____ </div> <div style="width: 48%;"> <input type="checkbox"/> Vehicle and/or Equipment Maintenance and 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 &amp; Handling  <input type="checkbox"/> Hazardous Material Storage  <input type="checkbox"/> Waste Handling &amp; Disposal </div> </div>			
<b>NPDES:</b>			
NPDES Permit:		<input type="checkbox"/> Yes <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
NGPC / CNEE Permit Number:		_____	Expiration Date: _____
SWPCP or BMP Plan 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: _____
DMR Submittal to DOH Date:		_____	SWPCP Training Date: _____
<b>SPCC &amp; UST:</b>			
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	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: _____
<b>Records Review:</b>			
Discharge Permit with DOTA:		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	DOTA Permit Issuance Date: _____
DOTA Stormwater BMP Training Date:		_____	Spill History (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:		<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 ID No.: _____
UIC Permit No. & Exp. Date:		_____	UIC Inspection Records: _____
Paint Booth Operations Permit:		_____	IWDP Permit No. & Exp Date: _____
<b>Asset &amp; Material Inventory (*provide coordinates for each new asset):</b>			



# Stormwater BMP Inspection Report



No.	Inspection Item	Yes	No	N/A	Comments
<b>General / Good Housekeeping</b>					
1.	Exposed areas of the facility are free of stains that produce sheen, unattended spills, or active leaks.				
2.	Surfaces are swept and not washed down unless a collection method and/or treatment device contains wash water, properly disposes, and has no potential to impact stormwater.				
3.	Trash and debris are minimized at the facility.				
4.	No illicit discharges are observed during the inspection. <i>Document any evidence of discharge to DOTA MS4/UIC or receiving waters.</i>				
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.				
6.	BMPs implemented within storm drains are adequately maintained.				
7.	Parked vehicles and equipment are located in designated areas, not over storm drains, and not leaking or drip containment measures have been implemented.				
8.	Spill kits are available to prevent discharge to stormwater.				
9.	Fertilizer and pesticide storage and application minimize impact to stormwater.				
<b>Aircraft, Vehicle, and Equipment Maintenance and Repair</b>					
10.	Maintenance is conducted indoors, under cover, or outside (when cover is not available) with BMPs implemented to prevent contact with stormwater.				
11.	Greasy and/or leaking aircraft, vehicles and equipment are stored under cover and with drip protective measures.				
12.	Salvage equipment is store indoors or under cover, when possible. Fluids and batteries have been removed.				
<b>Aircraft, Vehicle, and Equipment Fueling</b>					
13.	Accumulation in bermed or diked areas are minimized, managed, and disposed of correctly. Disposal records maintained.				
14.	Containers, ASTs, MSTs, and equipment in fueling areas are labeled and in good condition (e.g., do not exhibit signs of leaking, severe rust, or malfunction).				
15.	Containers, ASTs, or MSTs are equipped with overfill alarms/automatic shutoff valves. USTs are equipped with a monitoring system (e.g. Veeder Root). Valves, hoses, and piping are free of damage and excessive corrosion.				
<b>Aircraft, Vehicle, and Equipment Washing</b>					
16.	Washing at the facility takes place at DOTAs wash racks or within designated areas where all wash water is collected, contained, and properly disposed of. Biodegradable soap is used.				
<b>Container / Material Storage and Handling</b>					
17.	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".				
18.	All liquid containers in quantities 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.				
19.	All liquid containers stored in quantities less than 25 gallons are stored indoors or under cover. If stored outdoors, they are within secondary containment measures. Accumulation in secondary containment is minimized, managed, and disposed of properly.				
20.	Materials are stored indoors or under cover where practicable. Materials stored outside are covered and placed on dunnage where practicable.				
21.	Used acid batteries are stored indoors or under cover and within secondary containment measures.				
<b>Waste Management and Disposal</b>					
22.	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.				
23.	Waste collection and disposal (including parts washers) is properly removed off-site and recycled (if applicable). Records maintained.				
24.	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.				







## Stormwater BMP Inspection Report



### INSPECTION PHOTOGRAPHS

<b>Photo 1 Description:</b>	<b>Photo 2 Description:</b>
<b>Photo 3 Description:</b>	<b>Photo 4 Description:</b>



## Stormwater BMP Inspection Report



### INSPECTION PHOTOGRAPHS

<b>Photo 5 Description:</b>	<b>Photo 6 Description:</b>
<b>Photo 7 Description:</b>	<b>Photo 8 Description:</b>

## **Appendix V**

### Closure Report for DOTA Tenant



## CLOSURE REPORT FOR DOTA TENANT



<b>Tenant Name</b>		<b>PMID</b>		<b>Date</b>	
<b>Address</b>		<b>SIC Code</b>		<b>Time</b>	
		<b>Contact Number</b>		<b>Weather</b>	
<b>Contact Person</b>			<b>Follow-Up For:</b> <input type="checkbox"/> Warning <input type="checkbox"/> Investigation Report <input type="checkbox"/> NAV		

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

<b>Photo 1 Before:</b>	<b>Photo 1 After:</b>
<b>Photo 2 Before:</b>	<b>Photo 2 After:</b>



## CLOSURE REPORT FOR DOTA TENANT



### INSPECTION AND CORRECTIVE ACTION PHOTOGRAPHS

<b>Photo 3 Before:</b>	<b>Photo 3 After:</b>
<b>Photo 4 Before:</b>	<b>Photo 4 After:</b>

## **Appendix VI**

### Investigation Report and Letter



**Investigation Report.**  
**Department of Transportation**  
**Airports Division**



Tenant Name:	PMID:	Date:
Airport:	SIC Code:	Time:
Address:	Contact Person:	Weather:
	Contact Number:	Contact Email:
<b>Representatives / Investigation Purpose:</b>		
<b>Description of Facility Operations:</b>		
<b>Investigation Findings:</b>		
<b>Enforcement Actions:</b>		



## INVESTIGATION REPORT PHOTOGRAPHS

<b>Photo 1 Description:</b>	<b>Photo 2 Description:</b>
<b>Photo 3 Description:</b>	<b>Photo 4 Description:</b>

## INVESTIGATION REPORT PHOTOGRAPHS

<b>Photo 5 Description:</b>	<b>Photo 6 Description:</b>
<b>Photo 7 Description:</b>	<b>Photo 8 Description:</b>

**Photo Certification:**

I certify that the attached photos described above were taken by the undersigned and are a true, accurate, and unaltered representation of what was observed during the investigation.

**Investigation Report Signatures:**

Inspector Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

Inspector Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

Inspector Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

Inspector Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

**Environmental Investigation Report Prepared By:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

DAVID Y. IGE  
GOVERNOR

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

IN REPLY REFER TO:

**AIR-EE**  
**19.0000**

[date]

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

Dear Mr. Smith:

Subject: Tenant Investigation Report on Smith's Fuel Service  
Daniel K. Inouye International Airport (HNL)  
123 Aoke Street  
(PMID HNL.000.000.00.00)

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 (PMID HNL.000.000.00.00). Notification containing an inspection checklist, photo log, and instructions for correcting deficiencies were sent out via email on [date], which included a time frame of 30 days to provide corrective actions.

Inspectors from ETC identified the following deficiencies from the [date] inspection that have not yet been corrected:

- 1.
- 2.
- 3.

Mr. Guy Smith  
[date]  
Page 2

AIR-EE  
19.0000

All 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](mailto: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](mailto:kylie.e.emily@hawaii.gov).

Sincerely,

JADE T. BUTAY  
Director of Transportation

Enclosures: Investigation Report HNL.000.000.00.00  
(Smith's Fuel Service), dated [date]  
Inspection Checklist HNL.000.000.00.00  
(Smith's Fuel Service), dated [date]

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

c: Mr. Roy Sakata, Airport Manager, Oahu District  
Mr. Ross Smith, Property Management Supervisor  
Bruce S. Anderson, Ph.D., Director, Department of Health

## **Appendix VII**

Sample Warning Letter for Common Use  
Area Noncompliance

DAVID Y. IGE  
GOVERNOR

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

IN REPLY REFER TO:

**AIR-EE**  
**19.0000**

[date]

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

Dear Mr. Smith:

Subject: Written Warning for Unauthorized Washing and Discharge of Wash Water onto  
Tarmac for Smith's Fuel Service, Daniel K. Inouye International Airport (HNL),  
HNL Common Use Area

On [date], the State of Hawaii, Department of Transportation, Airports Division (DOTA), received a complaint that Smith's Fuel Service conducted uncontained washing and rinsing of personal vehicles within the Common Use Areas of Operation (AOA).

Wastewater into the HNL drainage system and into State Waters are considered a non-stormwater discharge and are a violation of the HNL National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer System (MS4) Permit (HI S000005) and the HNL Common Use Areas of the AOA Best Management Practices (BMP) Plan. To prevent permit violation and non-stormwater discharge, airport tenants and service contractors shall immediately cease all washing activities at the AOA.

Hawaii Administrative Rules (HAR), §19-20.1, Commercial Services at Public Airport, enforces the cleaning or repairing of airport premises necessitated by the permittee's failure to properly and adequately maintain HNL permit agreement requirements. Charges or citations shall be administered/issued by Hawaii State Airport Officials or Airport Law Enforcement for maintenance or janitorial services required for cleanup or repairs to the surrounding area. A severe infraction of the rules may lead to the revocation/termination of commercial service permit.

In response to this complaint, DOTA directs Smith's Fuel Service employees to complete wash rack training using the documents enclosed. The training documents and roster shall also be kept on file and the documents shall be posted at a location where all personnel can review at any time.

Mr. Guy Smith  
[date]  
Page 2

AIR-EE  
19.0000

All deficiencies shall be corrected within 30 days of the date on this letter, or by [date]. Please submit your corrective action photos and/or roster of personnel that have completed the training to the address below or via email to Kylie Emily.

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

Sincerely,

JADE T. BUTAY  
Director of Transportation

Enclosure: Wash Racks and Wash Area BMPS Fact Sheet  
Training Roster/Sing-in Sheet

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

c: Mr. Roy Sakata, Airport Manager, Oahu District  
Mr. Ross Smith, Property Management Supervisor  
Mr. Steven Maruyama, Airside Operations Manager  
Mr. David Holland, Oahu District Airport Certification, Security and Safety Specialist



## **Appendix VIII**

### **Sample Letter for Notice of Apparent Violation**

DAVID Y. IGE  
GOVERNOR

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

IN REPLY REFER TO:

**AIR-EE**  
**19.0000**

[date]

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

Dear Mr. Smith:

Subject: Tenant Notice of Apparent Violation ("NAV") 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.

Mr. Guy Smith  
[date]  
Page 2

AIR-EE  
19.0000

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](mailto: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](mailto:kylie.e.emily@hawaii.gov).

Sincerely,

JADE T. BUTAY  
Director of Transportation

Enclosure: AIR-EE Letter No. 19.0000, dated [date]

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

c: Mr. Roy Sakata, Airport Manager, Oahu District  
Mr. Ross Smith, Property Management Supervisor  
Bruce S. Anderson, Ph.D., Director, Department of Health

## **Appendix IX**

### **Sample Letter for Revocation and Notice to Vacate**

DAVID Y. IGE  
GOVERNOR

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

IN REPLY REFER TO:  
**AIR-EE**  
**19.0000**

[date]

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

Dear Mr. Smith:

Subject: Tenant Notice of Termination of Lease and Eviction  
Daniel K. Inouye International Airport  
123 Aoke Street

This Notice of Termination of Lease and Eviction 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 Apparent 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 Notice of Termination of Lease and Eviction 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](mailto:kylie.e.emily@hawaii.gov).

Sincerely,

JADE T. BUTAY  
*Director of Transportation*

Enclosures: Storm Water BMP Inspection Checklist, Dated [date]  
Environmental Investigation Report, AIR-EE 19.0000, Dated [date]  
Notice of Apparent Violation, Dated [date]

bc: Roy Sakata, Airport Manager, Oahu District  
Ross Smith, Property Management Supervisor (HNL)  
Bruce Anderson, Interim Director of Health

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

## **Appendix X**

### **Sample Notice of Finding and Violation Order**

STATE OF HAWAII

DEPARTMENT OF HEALTH  
NOTICE AND FINDING OF VIOLATION

TO:  Respondent	NFV & O No. XXXXX <i>Please write this NFVO number on all correspondence</i>  Re: XXXX  Property/Facility: XXXX
-----------------------	--

Under Hawaii Revised Statutes (“HRS”), Chapters 91 and 342D, and Hawaii Administrative Rules (“HAR”), Chapter 11-55, the Department of Health (“DOH”) issues this Notice and Finding of Violation and Order (“NFV & O”). Based on an inspection of the XXXX by the Department of Transportation, Airports Division (DOTA), and the investigation report attached as Exhibit X, the DOH finds these violations. This case deals only with violations alleged below, and DOTA may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

Statutes/Rules	Nature of the Violation
HRS, §342D-50(d) HAR, §11-54-4  XXXX XXXX	XXXX

The facts of this case and the law justify the following order.

**ORDER**

You are ordered to:

1. Cease in the discharge of pollutants, including polluted storm water runoff, to State waters immediately.
2. Report in detail the steps to be taken to prevent future non-permitted discharges to State waters, as well as violations similar in nature to those referenced in this NFV & O within 20 days after the receipt of the NFV & O.
3. Pay an administrative penalty of \$XXX for the violation. Within 20 days after the receipt of the NFV & O, send a certified check to: XXXX. The check should be made payable to “State of Hawaii” and include the NFV & O reference number above.

The provisions of this Order and the Notice and Finding of Violation shall become final unless, within Twenty (20) days after receipt, you submit a **written** request for a hearing, along with a copy of the Order and Notice and Finding of Violation, to the Hearings Officer, c/o Director of Transportation, 869 Punchbowl St., Fifth Floor, Honolulu, Hawaii 96813. Your written request for hearing, along with the Order and Notice and Finding of Violation, must be filed with the Hearings Office within the twenty (20) day period. You may file the hearing request in person at the Director’s office, during regular business hours, or may mail the same to the above address within the allotted time. **Failure to timely file the hearing request and related documents may result in a denial of your hearing request.**

If a hearing is properly requested, a pre-hearing conference will be set by the Hearings Officer and you will be notified of the date, time and place of the pre-hearing conference.

The hearing will be conducted in accordance with Chapter 91 of the Hawaii Revised Statutes and Title 11, Chapter 1 of the Hawaii Administrative Rules. If you have special needs due to a disability and these needs will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 587-2150, at least ten (10) working days before the hearing or pre-hearing conference.



At the hearing, the parties may present relevant evidence and argument on the issues raised by this case. The parties may also examine and cross-examine witnesses and present exhibits.

Parties may be represented by legal counsel at their own expense. An individual may appear on his/her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, or trust, or association may represent the corporation, trust or association.

After such hearing, the Order shall be affirmed, modified or rescinded by the Director or Hearings Officer.

The written request for a hearing, along with the related documents and pleadings in this case shall be directed to:

Hearings Officer  
c/o Director of Transportation  
Department of Transportation  
869 Punchbowl Street, Fifth Floor  
Honolulu, HI 96813

All other inquiries regarding this matter shall be directed to: Mr. Allen Thomas, Acting Supervisor of the DOTA Environmental Section at (808) 838-8803

If you have special needs due to a disability that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least ten (10) working days before the hearing or pre-hearing conference date.

\_\_\_\_\_ Date: \_\_\_\_\_

XXX  
Deputy Director for  
XXXX

Approved As To Form By:

Mr. XXXX  
Deputy Attorney General

IN THE DEPARTMENT OF HEALTH

STATE OF HAWAII

DEPARTMENT OF HEALTH,	)	DOCKET NO. 06-CW-EO-XX
STATE OF HAWAII,	)	
	)	NOTICE AND FINDING OF
Complainant,	)	VIOLATION; ORDER;
	)	CERTIFICATE OF SERVICE
vs.	)	
	)	DISCHARGE OF WATER POLLUTANT
[fill in alleged violator],	)	INTO STATE WATERS WITHOUT AN
	)	NPDES PERMIT
Respondent.	)	
_____	)	

NOTICE AND FINDING OF VIOLATION

The Department of Health, State of Hawaii, brings its action under Hawaii Revised Statutes ("HRS") chapters 91 and 342D; and complains of [fill in alleged violator] ("Respondent") regarding the discharge of construction dewatering effluent, without a National Pollutant Discharge Elimination System (NPDES) permit or a Notice of General Permit Coverage (NGPC) into State Waters, as follows:

A. AUTHORITY

1. General Authority. HRS §§ 342D-2 and 342D-4 authorize the Director of Health ("Director") to administer HRS chapter 342D, to prevent, control, and abate water pollution in the State, and to adopt rules.
2. Enforcement. HRS § 342D-9 authorizes the Director to issue this Notice and Finding of Violation, and the attached Order.

3. Remedies. HRS §§ 342D-9, 342D-11, 342D-30, and 342D-31 apply to any person who violates HRS 342D, or a permit or variance issued thereunder.
4. Prohibition. HRS § 342D-50(a) provides that:

No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters, except as in compliance with the provisions of this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the Director.
5. Definition of Water Pollutant. HRS § 342D-1 states that "Water Pollutant" means:

Dredged spoil, solid refuse, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, sediment, cellar dirt and industrial, municipal, and agricultural waste.
6. Definition of State Waters. HRS § 342D-1 states that "State Waters" means:

All waters, rash, brackish, or salt, around and within the State, including, but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as part of a water pollution control system are excluded.
7. *[fill in receiving water]* is classified as a Class A, marine water embayment under HAR § 11-54-06(a)(2)(B).
8. *[fill drainage system if any]* is classified as Class 2, inland waters under HAR § 11-54-05.1(c).

B. STATEMENT OF FACTS

1. The Respondent, *[fill in alleged violator]*, a corporation is licensed to do business in Hawaii.
2. The Respondent owns, operates, manages and/or controls the *[fill in facility name]* along 123 Boulevard between ABC Drive and DFE Avenue located in Honolulu, Oahu, Hawaii.
3. On *[date of alleged violation]*, the Respondent discharged silty construction dewatering effluent from their *[insert site]* into the Hawaii Department of Transportation Airports Division (DOTA) storm sewer system without an NPDES permit or NGPC. The storm sewer system drains into ABC Park Lagoon and subsequently into the Pacific Ocean.
4. The Respondent owns, operates, manages and/or controls the *[fill in facility name]* located in Honolulu, Oahu, Hawaii.
5. Between *[date1]* and *[date2]* and again on *[date 3]*, the respondent discharged vehicle wash water into a ponding area that is part of the DOTA's storm sewer which is considered State waters without an NPDES permit or NGPC.
6. On *[date3]*, the respondent discharged dewatering effluent into *[receiving water]* without an NPDES permit or NGPC when the water level in the ponding area exceeded the berm to the inlet.

7. Between [date 1] and [date 2], the respondent discharged construction dewatering effluent into an unnamed pond without an NPDES permit or NGPC. The unnamed pond is considered State waters under the definition of "Low Wetlands". "Low Wetlands" are defined in HAR § 11-54-05 as "standing water that is always fresh, ponds or marshes. These wetlands are found in lowland areas near coasts or in valley termini modified by man. Their origin may be natural or man-made."
8. Imposition of an administrative penalty is justified by:
  - a. The nature of the violation;
  - b. The economic benefit to the violator, or anticipated by the violator, resulting from the violation;
  - c. The opportunity, difficulty, and history of corrective action;
  - d. Good faith effort to comply; and
  - e. Such other matters as justice may require.

C. FINDING OF VIOLATIONS

On the basis of the provisions of Authority and Statement of Facts cited above, it is hereby found and determined that:

1. The Respondent is in violation of HRS § 342D-50(a) for discharging construction dewatering effluent

into state waters on the above stated occasions,  
without an NPDES permit.

2. The Respondent is therefore subject to the provisions of HRS §§ 342D-9, 342D-11 and 342D-31, including penalties not to exceed \$25,000.00 for each day of each violation.

DATED: Honolulu, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
Lawrence K. Lau  
Deputy Director for  
Environmental Health

APPROVED AS TO FORM:

\_\_\_\_\_  
[fill in Deputy AG name]  
Deputy Attorney General

IN THE DEPARTMENT OF HEALTH

STATE OF HAWAII

DEPARTMENT OF HEALTH,	)	DOCKET NO.06-CW-EO-XX
STATE OF HAWAII,	)	
	)	ORDER
Complainant,	)	
	)	
vs.	)	
	)	
<i>[fill in alleged violator],</i>	)	
	)	
	)	
Respondent.	)	
_____	)	

ORDER

Pursuant to Hawaii Revised Statutes ("HRS") chapters 91 and 342D; and Hawaii Administrative Rules ("HAR"); and the attached Notice and Finding of Violation ("NFV") made this day in this Docket, *[fill in alleged violator]* ("Respondent"), is hereby ordered to:

1. Take immediate corrective action to prevent the occurrence of similar violations in the future.
2. Within 30 days of receipt of this Order, report to the Department of Health, on the corrective action that has been or will be taken to prevent the occurrence of similar violations in the future. A schedule of implementation should accompany any report on corrective action.
3. Appear at a hearing to held on a date, time and place to be specified later. The issue to be heard will be how much of a monetary penalty should be assessed for the violations covered in the NFV.

Paragraph Nos. 1 and 2 of this Order and the NFV are effective and become final 20 days after receipt, unless before

the 20 days expire the Respondent submits a written request to the Director of Health for a hearing before the Director of Health. If a hearing on any of the foregoing is requested, it will be held in conjunction with the hearing on the penalty specified by paragraph No. 3 of this Order.

A pre-hearing conference may be held at a time, date and location to be specified later.

The hearing will address the penalty covered by paragraph No. 3 of this Order, and if there is a timely request for a hearing on other matters, the issues and facts raised by the NFV and the rest of the Order in this case.

The hearing will be conducted in accordance with HRS chapter 91, and the Rules of Practice and Procedure of the Department of Health. Parties may present evidence and argument on the subjects addressed by the hearing. Parties may examine and cross-examine witnesses and present exhibits.

Parties may be represented by lawyers at their own expense, or parties may represent themselves. An individual may appear on his or her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust or association may represent the corporation, trust, or association.



After such hearing, this Order will be affirmed, modified, or rescinded by the Director of Health.

Please direct the written request for a hearing, if any, and all inquiries concerning this case to:

Mr. Denis R. Lau, P.E., Chief  
Clean Water Branch  
State Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378  
Telephone: 586-4309 or toll free number at  
1-800-468-4644, Ext. 64309  
FAX No.: 586-4352

Failure to comply with this Order may subject the Respondent to additional penalties and measures under chapter 342D, HRS, and the rules adopted under that chapter.

DATED: Honolulu, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
LAURENCE K. LAU  
Deputy Director for  
Environmental Health

APPROVED AS TO FORM:

\_\_\_\_\_  
[fill in Deputy AG name]  
Deputy Attorney General

IN THE DEPARTMENT OF HEALTH  
STATE OF HAWAII

DEPARTMENT OF HEALTH,	)	DOCKET NO. 98-CW-EO-XX
STATE OF HAWAII,	)	
	)	CERTIFICATE OF SERVICE
Complainant,	)	
	)	
vs.	)	
	)	
[fill in alleged violator],	)	
	)	
	)	CERTIFICATE OF SERVICE
Respondent.	)	
_____	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served the documents listed herein by mailing, via certified mail, return receipt requested (# xxx) on \_\_\_\_\_, a copy of those documents to the person named herein at the address indicated.

DOCUMENTS:

1. Notice and Finding of Violation
2. Order

PERSON SERVED AND ADDRESS:

[fill in name]  
President and Director  
[fill in alleged violator]  
[fill in address]

DATED: Honolulu, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
DENIS R. LAU, P.E., CHIEF  
Clean Water Branch

[author]  
cc: Attorney General, State of Hawaii  
EPA, Region 9, Water Division,  
CWA Compliance Office, WTR-7

## ***Attachment F.3***

### ***Stormwater Pollution Control Plan Review Checklist***



## Storm Water Pollution Control Plan Review Checklist



<b>Tenant Name:</b>	<b>PMID(s):</b>
<b>Tenant Representative:</b>	<b>Contact:</b>
<b>NPDES Permit No.:</b>	<b>SWPCP Date/Version:</b>
<b>Revision #:</b>	<b>Date Submitted for Review:</b>
<b>Reviewed By:</b>	<b>Reviewed Date:</b>

HAR Chapter 11-55 Appendix B	HAR Reference	Yes / No / N/A
<b>Is there a brief facility description?</b>	6.(a)(1)	
<b>Is there a site map with the following (where applicable)?</b>	6.(a)(2)	
a) Drainage structures.	6.(a)(2)	
b) Outline of each drainage area.	6.(a)(2)	
c) Paved areas, buildings, and other ground cover within each drainage area.	6.(a)(2)	
d) Each past or present area for outdoor storage, industrial activities, or disposal of materials.	6.(a)(2)	
e) Each past or present area of a significant spill.	6.(a)(2)	
f) Structural measures for the control of storm water (drains, bermed areas, swales, etc.).	6.(a)(2)	
g) Material loading and access areas.	6.(a)(2)	
h) Areas where pesticides, herbicides, soil conditioners and fertilizers are applied.	6.(a)(2)	
i) Hazardous waste storage and/or disposal areas.	6.(a)(2)	
j) Underground injection wells.	6.(a)(2)	
k) Sampling locations, outfall locations; and the nearest receiving state water(s).	6.(a)(2)	
<b>Is there a pollutant control strategy with the following?</b>	6.(a)(3)	
a) Identifies potential pollutants, pollutant sources, and control strategies used to minimize the discharge of pollutants.	6.(a)(3)	
b) Considers the use of containment structures, covering materials by roof or tarpaulin, preventative maintenance, good housekeeping measures, waste minimization, removal of exposed pollutants, and spill prevention practices.	6.(a)(3)	
<b>Is there a spill prevention and response plan with the following?</b>	6.(a)(4)	
a) Identifies spill prevention and response measures.	6.(a)(4)	
b) Identifies facility personnel responsible for its implementation and conforms with the reporting requirements. (Responsible personnel shall be available at all times when the facility is in operation).	6.(a)(4)	
<b>Is there information about existing significant leaks or spills of toxic or hazardous pollutants that have taken place within the last five years?</b>	6.(a)(5)	
<b>Is there information about existing discharges of storm water that violated water quality</b> (in reportable quantity) for which notification is or was required under 40 CFR 110.6 at any time since November 16, 1987? (Trigger: Discharges of oil to navigable waters that violated water quality standards or caused sheen, film, or sludge deposits)	6.(a)(6)	
<b>Is there a storm water monitoring plan with the following?</b>	6.(a)(7)	



## Storm Water Pollution Control Plan Review Checklist



HAR Chapter 11-55 Appendix B	HAR Reference	Yes / No / N/A
a) Rationale for selecting sampling locations. Where two or more outfalls are expected to have similar storm water discharges, the tenant may request to monitor only one of these outfalls with justification.	6.(a)(7)(A)	
b) Sample collection methods with quality assurance and quality control methods.	6.(a)(7)(B)	
c) List of parameters to be monitored (as determined by tenant's NGPC or NOI).	6.(a)(7)(C)	
d) Type of sample to be taken for each parameter to be monitored (e.g. grab or composite).	6.(a)(7)(D)	
e) Test procedures to be used for each parameter to be monitored. Test methods adhere to 40 C.F.R. 136.	6.(a)(7)(E)	
f) Detection limit for each test procedure.	6.(a)(7)(F)	
g) Method to calculate storm water flow.	6.(a)(7)(G)	
h) Procedures to collect storm event information, including the date, duration, start and ending times of the storm event, and duration between the storm event and the end of the previous rainfall event with greater than 0.1 inches.	6.(a)(7)(H)	
i) Procedures to inspect receiving state waters, storm water runoff, BMPs, and control measures to detect violations of the basic water quality criteria as specified in 11-54-4.	6.(a)(7)(I)	
<b>Are there procedures for implementing, reviewing, and updating the SWPCP with the following?</b>	6.(a)(8)	
a) Annual employee education or training on the SWPCP.	6.(a)(8)(A)	
b) Protocol for inspections that ensures the pollutant control strategy and spill prevention and response plan are being effectively carried out (must be conducted at least semi-annually).	6.(a)(8)(B) & 6.(c)	
c) Documentation procedures for all inspections and reviews required in the SWPCP (records must be retained for five years after NGPC expiration). Tenant shall maintain a record of the following: dates on which inspections were conducted, inspection findings, and corrective actions taken.	6.(a)(8)(C) & 6.(c)	
<b>Are there procedures for reporting non-compliances to DOH as required?</b>	10.(c)	
<b>Deficiencies:</b>		
<b>Recommendations:</b>		
<b>Plan Accepted?</b>		
<i>(If no, tenant must resubmit revised SWPCP that corrects the deficiencies within 30 days.)</i>		

**Reviewed by Signature:** \_\_\_\_\_