

### 4.3 Risk Ranking Criteria

Harbors tenant facilities will be ranked as high, medium, or low as determined by a cumulative score of the 14 individual risk criteria listed in this section. Harbors designated inspectors will assign individual risk scores for each of the 14 risk criteria based on visual observation, activity evaluation, the potential to discharge pollutants to Harbors small MS4 and state waters nearby, and applicability of necessary BMPs. Based on the observations and activity evaluation, the inspector will assign an evaluation score from zero to five in each category with the exception of one category (related to annual training attendance records) which ranges from negative two to four. Certain individual criteria include a trigger for automatic designation of high-risk ranking, regardless of the cumulative score. A description of each risk criterion is discussed in this section. Risk rankings are defined as follows:

- **Low:** Score  $\leq 5$
- **Medium:**  $6 \leq \text{Score} \leq 16$
- **High:** Score  $> 16$  or a 5 in certain individual criterion which is an automatic trigger to high risk designation

Subsequent confirmation or reclassification of the risk ranking will be conducted as part of the routine inspections and annual reconnaissance. Following inspections, Harbors designated inspectors will re-evaluate a tenant's facility based on the ranking criteria, determine if the current risk ranking classification is appropriate, and adjust, if necessary.

#### 4.3.1 Vessel Maintenance and Repair

Tenant facilities are ranked based on the vessel maintenance and repair activities. Vessel maintenance and repair activities include parts replacement/repair, pressure washing, removing and/or replacement of fluids and greases, dismantling, sandblasting, sanding, and painting, which can release oil, grease, paint chips, paint liquid, detergent, toxic heavy metals, and other pollutants. It is preferred that vessel maintenance and repair be performed within a dry dock, slipway or haul-out facility with proper containment. The ranking criteria for vessel maintenance and repair are as follows:

- 0 Neither maintenance nor repair activities are conducted on-site.
- 1 Maintenance and repair activities on any size vessel are conducted entirely indoors or on a dry dock (with proper dust control BMPs and containment), with no or minimal potential for discharge of pollutants.
- 2 Minor maintenance and repair for small vessels is conducted (with proper dust control BMPs and containment) with minimal potential for discharge of pollutants.

- 3 Maintenance and repair activities on large vessels are conducted outdoors and out of the water (with proper dust control BMPs and containment), with minimal potential for discharge of pollutants.
- 4 Major maintenance and repair activities on any size vessel are conducted in a partially contained or uncontained area with moderate potential for discharge of pollutants.
- 5 Maintenance and repair activities on any size vessel are conducted in an uncontained area or in an area with significant potential for discharge of pollutants (e.g., within 50 feet of nearest storm drain inlet or surface water). (Automatic trigger to high risk designation)**

#### **4.3.2 Vessel Fueling**

Tenant facilities are ranked based upon the type and method of vessel fueling. Vessel fueling includes transferring fuel between vessels as well as transferring fuel from a mobile fuel truck or a stationary aboveground storage tank to a vessel through hoses. Fueling activities need to be properly contained, with spill response materials readily available. The ranking criteria for vessel fueling are as follows:

- 0 No fuel transfer activities are conducted on-site.
- 1 Fueling of small vessel is conducted by a fueling company with proper spill containment and diversion.
- 2 Fueling of small vessel is conducted with spill containment and diversion.
- 3 Fueling of large vessel is conducted in designated area with spill containment and diversion.
- 4 Fueling of small vessel is conducted in areas WITHOUT spill containment and diversion.
- 5 Fueling of large vessel is conducted in areas WITHOUT spill containment or diversion. (Automatic trigger to high risk designation)**

#### **4.3.3 Vessel Rinsing**

Tenant facilities are ranked based upon vessel rinsing activities. Vessel rinsing activities include the removal of salt, sediment, and sea life from the exterior of a vessel using water, detergent, and/or mechanical devices. Harbors permits vessel rinsing without any necessary containment, ONLY for the removal of salt from the exterior of the vessel using fresh water with low power (<100

pound-force per square inch [psi]). Other rinsing activities must be properly contained, and the rinse water must be properly disposed of in a shore-based sanitary sewer. The ranking criteria for vessel rinsing are as follows:

- 0 No vessel rinsing is conducted on-site.
- 1 Vessel rinsing is conducted in an area designed to contain wash water and debris, with no or minimal potential discharge of pollutants.
- 2 Vessel rinsing is uncontained but not conducted in an area adjacent to Harbors storm drainage system or state waters and has a minimal potential for discharge of pollutants.
- 3 Vessel rinsing is uncontained but not conducted in an area adjacent to Harbors storm drainage system or state waters and has a moderate potential for discharge of pollutants.
- 4 Vessel rinsing is uncontained and conducted in an area adjacent to Harbors storm drainage system or state waters and has a moderate potential for discharge of pollutants.
- 5 **Vessel rinsing is uncontained and conducted in an area adjacent to Harbors storm drainage system and has a significant potential for discharge of pollutants. (*Automatic trigger to high risk designation*)**

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

Tenant facilities are ranked based on equipment and/or vehicle maintenance and repair activities. Vehicle and/or equipment maintenance and repairs include activities including, but not limited to, parts replacement/repair, parts washing, removal and/or replacement of fluids or greases, dismantling, sandblasting, sanding, and painting. Maintenance and repair activities should be conducted at a designated area with proper containment and roof coverage in place. The ranking criteria for equipment and/or vehicle maintenance and repair are as follows:

- 0 No equipment/vehicle maintenance and/or repair activities are conducted on-site.
- 1 Maintenance/repair activities are conducted entirely indoors, on a small scale, with minimal potential for discharge of pollutants.
- 2 Maintenance/repair activities are conducted entirely indoors, on a large scale, with minimal potential for discharge of pollutants.
- 3 Maintenance/repair activities are conducted in a covered area with minimal to

moderate potential for discharge of pollutants.

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

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

Tenant facilities are ranked based on the amount of fueling and the containment and/or diversion structures available. Fueling refers to the fuel dispensing from a tank truck, aboveground storage tank [AST], UST, or portable container to equipment and vehicles, or the fueling from an AST loading rack. Small scale fueling is limited to less than 25 gallons per fueling. Fueling activities need to be properly contained, with spill response materials readily available. The ranking criteria for equipment and/or vehicle fueling are as follows:

- 0 No equipment/vehicle fueling activities are conducted on-site.
- 1 Equipment/vehicle fueling is conducted by a fueling company with spill containment and diversion.
- 2 Equipment/vehicle fueling is conducted on a small scale (i.e., less than 25 gallons per fueling) in areas with spill containment and diversion.
- 3 Equipment/vehicle fueling is conducted on a large scale in areas with spill containment and diversion.
- 4 Equipment/vehicle fueling is conducted on a small scale in areas WITHOUT spill containment and diversion, but not in areas adjacent to Harbors storm drainage system and state waters.
- 5 **Equipment and/or vehicle fueling is conducted on a large scale in areas WITHOUT spill containment and diversion, or on any scale in areas adjacent to Harbors storm drainage system or state waters WITHOUT spill containment and diversion. (Automatic trigger to high risk designation)**

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

Tenant facilities are ranked based on the methods used for equipment and/or vehicle washing. **All washing activities must obtain consent from Harbors and take place in approved and designated areas.** This category applies to washing of service equipment, maintenance

equipment, company vehicles, and rental cars. The ranking criteria for equipment and/or vehicle washing are as follows:

- 0 No equipment/vehicle washing is conducted on-site.
- 1 Equipment/vehicle washing is conducted with Harbors consent and in a covered wash area following an approved method, with no or minimal potential discharge of pollutants.
- 2 Equipment/vehicle washing is conducted with Harbors consent and in an uncovered wash area following an approved method, with minimal potential discharge of pollutants.
- 3 Equipment/vehicle washing is conducted with Harbors consent and in an uncovered wash area following an approved method with moderate potential discharge of pollutants (e.g., adjacent to Harbors storm drainage system or state waters).
- 4 Equipment/vehicle washing is not consented by the Harbors but fully contained.
- 5 Equipment/vehicle washing is not consented by the Harbors and not contained. (Automatic trigger to high risk designation)**

#### **4.3.7 Aboveground Oil Storage (size of container $\geq$ 55 gallons ONLY)**

According to 40 Code of Federal Regulations [CFR] 112, oil is defined as “oil of any kind of in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oil, including oils from seeds, nuts, fruits, or kernels; and other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.” These oils are commonly stored in ASTs and 55-gallon drums. Oil stored in containers with capacity less than 55 gallons are evaluated under Section 4.2.8 – Container Storage. **Note that tenants shall not install an AST without first obtaining written consent from the Harbors.**

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

Tenant facilities are ranked based on the oil storage protocols employed at the facilities. The ranking criteria for AST storage are as follows:

- 0 No oil product is stored on-site.
- 1 Less than 1,320 gallons of oil is properly stored in a covered area and has no or minimal potential for discharge of pollutants.
- 2 Less than 1,320 gallons of oil is properly stored in an uncovered area and has minimal potential for discharge of pollutants.
- 3 More than 1,320 gallons of oil is properly stored with minimal potential for discharge of pollutants, and the facility has an SPCC Plan.
- 4 More than 1,320 gallons of oil is properly stored with minimal to moderate potential for discharge of pollutants, but the facility does not have a SPCC Plan.
- 5 Oil is improperly stored and/or managed and has a significant potential for discharge of pollutants. (*Automatic trigger to high risk designation*)**

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

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

Storage methods are evaluated to ensure that materials are properly stored and managed. The term “properly stored” indicates that containers are correctly labeled, have not passed their expiration date, are in good condition, sealed when not in use, neatly organized, and compatible with other materials stored in the same area. The ranking criteria for container storage are as follows:

- 0 No containers are stored on-site.
- 1 All containers are properly managed and stored entirely indoors and have no or minimal potential for discharge of pollutants.
- 2 All containers are properly managed and stored under the cover and have minimal potential for discharge of pollutants.
- 3 Containers are properly managed and stored outdoors with minimal potential for discharge of pollutants (e.g., distance from site to the nearest storm drain inlet or surface water is greater than 100 feet or 30 meters).
- 4 Containers are improperly managed but stored indoors or under the cover with

moderate potential for discharge of pollutants.

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

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

Tenant facilities are ranked based on municipal, solid, or hazardous waste handling and disposal. Waste handling may include making a hazardous waste determination and proper management. If the waste is characterized as a hazardous waste, the accumulation start date shall be added to the labeling. Additionally, the facility shall ensure that the waste is properly disposed of within the regulated accumulation time, which depends upon the facility waste classification detailed in 40 CFR 262. The ranking criteria for waste handling and disposal are as follows:

- 0 No waste is stored on-site.
- 1 All wastes are non-hazardous and stored indoors or outdoors in covered areas and have no or minimal potential for discharge of pollutants.
- 2 All wastes are non-hazardous and stored outdoors uncovered and have moderate potential for discharge of pollutants.
- 3 Hazardous wastes are generated, and tenant is classified as a Very Small Quantity Generator [VSQG]<sup>1</sup>. Hazardous wastes are properly managed, stored, and disposed of. Storage areas have no or minimal potential for discharge of pollutants.  
<sup>1</sup> Please refer to Attachment 10 (3. Waste Management Regulations, Item B).
- 4 Hazardous wastes are generated, and the tenant is classified as a SQG<sup>2</sup> or LQG<sup>3</sup>. Hazardous wastes are properly managed, stored and/or disposed of. Storage areas have no or minimal potential for discharge of pollutants.  
<sup>2</sup> Please refer to Attachment 10 (3. Waste Management Regulations, Item B).  
<sup>3</sup> Please refer to Attachment 10 (3. Waste Management Regulations, Item B).
- 5 Hazardous wastes are generated, and the tenant is classified as a VSQG, SQG, or LQG. Hazardous wastes are improperly managed, stored, and/or disposed of. Storage areas have significant potential for discharge of pollutants. (*Automatic trigger to high risk designation*)**

#### **4.3.10 Spill History**

Tenant facilities are ranked based on past oil and/or chemical spills at their facilities. The ranking criteria for spill history are as follows:

- 0 No history of oil/chemical spills on-site.
- 1 One to three non-reportable oil/chemical spills in minimal quantity (e.g., less than five gallons for oil) in the past three years.
- 2 One to three non-reportable oil/chemical spills in moderate quantity (e.g., oil spill of 5 gallons or greater but less than 25 gallons; for all other chemicals, refer to 40 CFR 302.4) in the past three years.
- 3 One to three reportable oil/chemical spills (see 40 CFR 302.4) in the past three years and spill kit is onsite.
- 4 One to three reportable oil/chemical spills (see 40 CFR 302.4) in the past three years and no spill kit is onsite.
- 5 Two or more oil/chemical spills entered into Harbors storm drainage system. Or more than three reportable oil/chemical spills in one calendar year. (Automatic trigger to high risk designation)**

#### **4.3.11 Enforcement History**

Tenants are ranked based on the history of past compliance with environmental regulations (including federal, state, and local), and the corresponding response actions taken by the tenant following a Notice of Apparent Violation [NAV], any verbal warning, or inspection. Class II violations include deficiencies and/or potential violations identified during any type of inspection (e.g., not following applicable BMPs during operations). Class I violations include violations of environmental law or regulations and HDOT Harbors rules that results in a NAV. Further details of Class I and Class II violations are provided in *Section 5.0 – Enforcement*. A tenant is considered “immediately taking corrective action” to the warnings/violations if responding to a Class II violation within 20 calendar days, a Class I violation within 7 calendar days, or within the specified compliance timeline set by the corresponding regulatory agencies. The ranking criteria for enforcement history are as follows:

- 0 No verbal or written warnings were issued in the past two years.
- 1 Class II violations (such as verbal/written warnings and potential violations identified in an inspection report) were issued in the past two years and corrective actions were immediately taken by the tenant.
- 2 Class I violations (identified in an inspection report and/or documented in a NAV) were issued in the past two years and corrective actions were taken by the tenant.

- 3 Class II violations were issued in the past two years, but corrective actions were NOT immediately taken by the tenant.
- 4 Class I violations were issued in the past two years, but corrective actions were NOT immediately taken by the tenant.
- 5 Civil penalties or administrative actions were assessed for non-compliance in the past two years. (*Automatic trigger to high risk designation*)**

#### **4.3.12 Training Attendance History**

Tenants are ranked based on their past training attendance. Harbors requires tenants to reduce the discharge of pollutants to the maximum extent practicable and prohibit unauthorized non-stormwater discharges into Harbors stormwater drainage system and state waters. In order to achieve these goals, Harbors has been providing *Annual Stormwater Pollution Prevention Awareness Training* to tenants, with the topics focusing on stormwater management, pollution prevention, good housekeeping, and commonly recommended BMPs. This annual training is one of the measures pertinent to the Public Education and Outreach Program. The ranking criteria for training attendance history are as follows:

- 2 The tenant has attended all annual trainings during its tenancy.
- 1 The tenant has attended the most recent training.
- 2 The tenant has not attended the most recent training.
- 4 The tenant has never attended the training

#### **4.3.13 Site Condition and General Housekeeping**

Tenants are ranked based on the physical condition where on-site activities take place (i.e., indoors or outdoors), the general housekeeping condition, and implementation of BMPs to minimize the discharge of pollutants and to prevent soil and debris from entering Harbors small MS4 and State waters. The term “indoors” refers to operations conducted in the interior of a building or in a covered area. The ranking criteria for site condition and general housekeeping are as follows:

- 0 All activities are conducted indoors and have no or minimal potential for discharge of pollutants. General housekeeping is in good condition.
- 1 All activities are conducted indoors and have minimal potential for discharge of pollutants. General housekeeping is in average or fair condition.

- 2 Activities are conducted indoors and outdoors, and general housekeeping is in good condition (e.g., sources of pollutants are properly managed).
- 3 Activities are conducted indoors and/or outdoors and have minimal to moderate potential for discharge of pollutants. General housekeeping is in fair and above average condition.
- 4 Activities are conducted outdoors and have moderate potential for discharge of pollutants. General housekeeping is in fair condition.
- 5 **Activities are conducted outdoors and pose a significant threat to the environment. (*Automatic trigger to high risk designation*)**

#### **4.3.14 Lease Agreement and/or Revocable Permit Requirements**

Tenants are ranked based on the history of past compliance with their lease agreement and/or revocable permit and the corresponding response actions taken by the tenant following an inspection, action letter, and verbal warning. Examples of the tenant *Lease Agreement* and *Revocable Permit* are included in Attachment 2. A tenant is usually considered “immediately taking corrective action” to the warnings/violations if responding to a Class II violation within 20 calendar days, or a Class I violation within 7 calendar days, or within the specified compliance timeline set by the corresponding regulatory agencies.

Violations of any environmentally related provision, including but not limited to the ones listed below, will **automatically place a tenant under high risk category**, as described in the tenant Lease Agreement and/or Revocable Permit.

- The tenant agrees, at its sole expense and cost, to comply with all environmental laws that apply to the premises during the term of the Revocable Permit (or Lease Agreement).
- The tenant shall not use, store, treat, dispose, discharge, release, generate, create, or otherwise handle any hazardous substance, or allow the same by any third person, on the premises without first obtaining the written consent of Harbors.
- The tenant shall not conduct illegal activities at the premises.
- The tenant shall not conduct any act which results or may result in the creation, commission or maintenance of a nuisance on the premises.
- The tenant shall not conduct permanent lodging or sleeping quarters at the premises. However, a rest area for the comfort and convenience of employees during working hours is allowed.
- The tenant shall not install an UST/AST without first obtaining the written consent of Harbors.
- Except for materials that are lawfully sold in the ordinary course of the tenant’s business and for which the tenant has obtained all required authorizations from appropriate

authorities including the prior written permission of Harbors, the tenant shall cause any hazardous substances to be removed from the premises for disposal.

- The tenant shall maintain the premises in a strictly clean, neat, safe, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling and disposal of all trash, garbage and other refuse from the premises.
- The tenant shall not sell, transfer, assign, lease, mortgage, and sublease premises whatsoever.
- Consumption of any intoxicating beverage, unless under an operation licensed by appropriate government agencies, is not allowed in the premises.
- In the event that any hazardous substance is used, stored, treated, disposed on the premises, handled, discharged, released, or determined to be present on the premises, or to have migrated from the premises, the tenant 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.
- The tenant shall keep Harbors fully informed at all times regarding all environmental law related matters affecting the tenant or the premises.
- The tenant shall obtain an NPDES permit from HDOH, if applicable.
- The tenant shall comply with Clean Water Act and Harbors SWMP. No pollutant is allowed to be discharged directly or indirectly through the Harbors storm drainage system (also known as small MS4) or other potential pathway into adjacent state waters.
- The tenant shall implement and maintain the BMP that are described in the Harbors Stormwater website as applicable to its construction projects and its business activities.
- The tenant shall attend mandatory Annual Stormwater Awareness Training hosted by the Harbors.

#### **4.4 Tenant Risk Ranking System Re-evaluation**

Tenant risk ranking system is re-evaluated during tenant routine inspection and reconnaissance results as applicable. In addition, information gathered during tenant outreach and through survey and training process will be utilized to re-evaluate the tenant risk ranking system.

When a (potential) violation is observed or reported, and if the source is traced to a tenant, the tenant's risk ranking will be re-evaluated following the investigation. Harbors Engineering Branch Environmental Section will prepare an inspection schedule based on the results of the risk ranking re-evaluation. The inspection schedules are maintained and updated regularly.